NYPL RESEARCH LIBRARIES
3 3433 08177285 1

1852
BANNATYNE


Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

http://www.archive.org/details/handbookofrepubl00bann

HANDBOOK

OF

REPUBLICAN INSTITUTIONS IN THE UNITED STATES OF AMERICA

BASED UPON

FEDERAL AND STATE LAWS, AND OTHER RELIABLE SOURCES OF INFORMATION



BY

DUGALD J. BANNATYNE

SCOTCH SOLICITOR, NEW YORK;

MEMBER OF THE FACULTY OF PROCURATORS,

GLASGOW, SCOTLAND

1887

WILLIAM BLACKWOOD AND SONS

EDINBURGH AND LONDON

NEW YORK: 41-45 BROADWAY

MDCCCLXXXVII

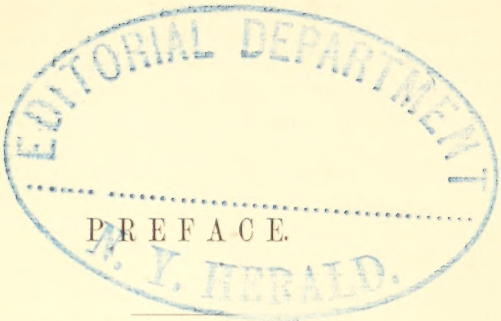
Checked May 1913

M.L.S.

All Rights reserved

THE NEW YORK
PUBLIC LIBRARY
655037
ASTOR, LENOX AND
TILDEN FOUNDATIONS.
R 1914 L

Entered according to Act of Congress
in the year 1887,
By Dugald J. Bannatyne.



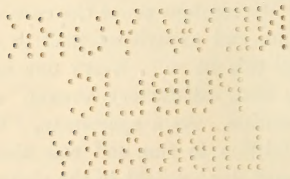
PREFACE.

DURING the twenty-two years I have spent in Canada and in the United States, I have frequently heard it said that an immigrant into either of these countries, who brings some capital with him, is not likely to permanently succeed until he has lost all he brought with him and has started afresh. Exceptions prove the rule, of course, it is said. My personal observation and experience tend to corroborate the above saying. But why should this be so? Every one can theorise, and will probably arrive at a, to him, satisfactory answer. I myself am not prepared to answer the question. As a sportsman, I would say that the new-comer was not in condition to run, and was also too heavily handicapped by carrying too much dead-weight in the shape of ignorance, &c. As a man of business, I would say that the new-comer was too apt to take risks (perhaps tantamount, in the circumstances, to gambling), which the cautious man would deem suicidal. As a lawyer, I would say that the new-comer might as well consider the youngest law-apprentice competent to fill the office of the Lord Chancellor, as himself to hold his own in the United States without long years of study of the institutions and laws of the country, and without practical experience and knowledge of the people. I would like to assist my countrymen (English, Irish, and Scotch) in an effort to overcome the dead-weight "ignorance," and now spread before them a banquet of Republican Institutions in the United States of America. It will doubtless seem dry and repulsive to the thoughtless, while the sensible will remember that it took a long time of constant application to learn to read, to write, to sum; and that the battle of life is one to the death, and requires tools of the keenest edge. "Read, mark, learn, and inwardly digest," are what I would advise.

There has been no adulteration of the ingredients of the dishes composing the banquet. I may, however, casually remark that some curious discrepancies are occasionally met with in the figures in appropriation Acts, for which the publishers and myself do not wish to be held responsible should any appear in the following pages. I abstain from expressing my own personal opinions, and, except to a very limited extent in the Introductory Chapter, do not refer to my individual experiences.

DUGALD J. BANNATYNE.

ALDRICH COURT,
41-45 BROADWAY, NEW YORK,
August 1887.



CONTENTS.

PAGE

Description of the United States flag and seal xix
Table of the states and territories, their respective land and water areas, &c. xx

INTRODUCTORY CHAPTER.

PAGE

What the work is based on, &c. . 1
The power of the United States as a nation, &c. 1
The Declaration of Independence still operative 2
"Inalienable rights" 2
Their necessary qualification . 2
Articles of Confederation . . 3
Constitution of the United States . 3
Preponderating influence of smaller states in the United States Senate 4
Table showing qualifications required for suffrage in the several states, &c. 6
Ratio of representation in the House of Representatives to population 8
Duration of Congress, &c. . . 8
Recent legislation by Congress, not included in the body of this work—
Extension of free delivery of mails in cities 8
Act as to performance of duties of the President in case of the removal, death, &c., of the President and Vice-President . 8
Act preventing aliens, corporations, &c., acquiring large tracts of lands in the territories 9
Inter-State Commerce Act . . 10
Proposed Department of Agriculture and Labour, as an executive department, &c. . . 10
Selection of the State of New York —its constitution—convention for revising the constitution, &c. . 10
What a state constitution is . . 11
The amount and quality of work done by state legislatures . . 11

PAGE

The Declaration of Independence was embodied in the first state constitutions 12
Continued irritation towards the mother country 12
Little unwritten law in the United States, or states 13
Inalienable rights not always recognised 13
Murders and homicides—legal executions—lynchings . . . 13
Statistics of youthful crimes and criminals 13
Suicides 14
The defective, dependent, and delinquent classes 14
Table showing the population and number of voters in the United States 15
Table showing the places of nativity of foreign-born inhabitants . . 17
Relative ratios of increase of white and coloured population . . 18
Danger to the Republic . . . 18
Table showing the occupations of the people 19
Number of immigrants 1880 to 30th June 1886—their origin, &c. . 20
Statistics of illiteracy census of 1880 20
Table showing the number, aged ten and over, unable to "read" and to "write"—native and foreign —school population and scholars, &c. 21
Table of universities and colleges, &c. 22
Table of theological seminaries, &c. 23
Table of religious denominations, &c. 24
Table of newspapers and periodicals, &c. 25

State courts of record and not of record, &c. 26
United States courts, to be added . 26
Systems of espionage—detectives, officials, &c., forgetting decency, &c., and a very flagrant illustration 27
Great number of place-holders, &c. 29
Smartness of young citizens . . 29
Universal distrust shown by politicians 29
Shown in federal and state legislation 30
Women suffrage in municipal elections in Kansas, &c. . . . 30
Political influence, and machines . 30
The new Labour party . . . 30
An Act of New Jersey to regulate primary elections in cities . . 30
Religion not quite ignored—separation of Church and State . . 31
Atheists rejected as would-be citizens 32
Vast amount of legal swearing, &c. 32
Enormous number of persons authorised to administer oaths, &c. . 32
Perjury 32
Crime not greater among foreign than among native-born inhabitants 33
Some peculiar phases of crime . 33
Political parties have no desire to render trickery impossible . . 34
Paper on political reform in New York, read to the Commonwealth Club 34
Applicable to other cities . . 35
Address of the City Chamberlain of New York to the Democratic Club on political reform . . 35
Spirit of laws uncertain . . . 35
Justices of the peace liable to be biassed, &c. 36
United States justices, &c., appointed for life, &c. 36
Necessity for Law and Order Societies, &c. 36
Laws, &c., favour offenders more than the law-abiding classes . 36
Evil consequences of seeking the protection of the laws, &c. . 37
Good work done by Christian men and women, &c. 37
Socialism, anarchism, &c. . . 37
Perpetual electioneering, &c. . . 37
"One day's news of corruption" . 37
Obstacles in the way of reform, &c. 38
Illustrations 38
No national bankrupt Act . . 41
Objections thereto stated by Chancellor Kent 41
Mr Bishop on the legality of preferences to creditors in New York . 41
Collecting judgments difficult, &c. . 41
Mercantile agencies, &c. . . 42
Marriage laws in the several states 43
Divorce laws in the several states . 43
Polygamy and polyandry possible in New York 44
28,000 divorces granted annually . 44
Hon. Noah Davis, ex-justice, on "Marriage and Divorce" . . 44
No divorces among Roman Catholics 46
Percentage of divorces among adults 46
Appalling state of affairs . . 46
Curiosities in marriages . . . 46
A monarchy desired by some citizens 47
Designs of socialists, Knights of Labour, &c. 47
Freemasonry 47
Great number of musicians and bands 47
Merit and demerit of trade-unions cannot be treated of . . . 47
The Grand Army of the Republic Association 47
Confederate veterans, &c. . . 50
Good traits of the people cannot be treated of 50
Reasons why ordinary travellers' books are misleading . . . 50
What citizens have to do and face, &c. 51
Impolicy of "cutting" those who overreach, &c. 51
Points for the reader's attention . 51
The writer's experience in sundry matters, ... 51
Message of Governor Hill of New York regarding abuses, state legislation, home rule, &c. . . 52

PART I.

The Declaration of Independence, in Congress, July 4, 1776 . . 55
The Articles of Confederation, in Congress, July 9, 1778 . . 58
The Constitution of the United States, September 17, 1787, and amendments thereto . . . 64
Washington's farewell address, September 17, 1796 77
The Congress 88
The Library of Congress . . 93
The President—
Presidential elections . . . 94
Office and compensation . . 96

Executive Departments . . . 97
Department of State . . . 100
Department of War . . . 102
Department of the Treasury . 104
The Comptrollers . . . 108
The Auditors 109
The Treasurer 113
The Register 114
The Commissioner of Customs 115
The Commissioner of Internal Revenue 115
The Comptroller of the Currency 116
The Bureau of Statistics . 117
The Bureau of the Mint . 120
Department of Justice . . 120
Department of the Post-Office . 124
Department of the Navy . . 128
Department of the Interior . 130
General Land Office . . 130
Commission of Indian Affairs . 131
Commissioner of Pensions . 132
Patent Office 132
Superintendent of Public Documents 134
Returns Office 137
Office of Education . . . 137
Office of Commissioner of Railroads 137
Bureau of Labour . . . 138
Department of Agriculture . . 139
Commissioner of Fish and Fisheries 144
Public Printing 145
The Judiciary of the United States—
District Courts 151
Judicial Circuits 158
Circuit Courts 158
Jurisdiction of Circuit Courts . 160
Supreme Court 165
Jurisdiction of the Supreme Court 167
Provisions common to more than one court or judge . . . 171
Habeas corpus 176
District attorneys, marshals, clerks, deputies, &c. 177
Juries 180
Witnesses 181
Procedure 184
Limitations 188
The Court of Claims . . . 189
Immigration 193
Extradition 195
The United States Army . . 197
General staff 197
Staff officers 198
Appropriations for pay . . 199
Expenditure, 1886 . . . 206
Signal Service 207
The United States Military Academy 208
The United States Militia . . 210
The United States Navy . . 214
The United States Naval Academy 225
The Marine Corps 228
The Volunteer Navy . . . 229
Pensions 229
The Soldiers' Home . . . 230
The National Home for Disabled Volunteer Soldiers . . . 232
Government Hospital for the Insane 233
The Columbia Institution for the Deaf and Dumb 237
National cemeteries . . . 238
The Smithsonian Institution . . 239
Miscellaneous institutions . . 241
United States Civil Service Commission 242
Collection of duties . . . 245
Internal revenue 251
Banks and bankers, and national banks 262
Gold and silver production and currency 269
Coinage, weights, and measures . 272
Revenue and expenses . . . 275
Bureau of Navigation . . . 278
Commerce and navigation . . 278
Domestic commerce . . . 289
Regulation of fisheries . . . 293
Yachts 294
Life-saving Service 294
Lighthouses 298
Coast and Geodetic Survey . . 301
Geological Survey 303
Division of mining statistics and technology 305
Railroads 305
Telegraphs 308
The Postal Service 310
Foreign relations 316
Insurrection 320
Crimes and prisoners . . . 321
Treatment of prisoners . . . 324
Indians 326
Civil rights and citizenship . . 343
General Land Office . . . 344
Public lands 346
District of Columbia . . . 358
Territories 361
Transformation of a territory into a state 367

PART II.

Constitution of the State of New York, in force as at 31st December 1886 373
Vote of the people upon the constitution and its amendments . 404
Several constitutions of the State of New York 405
How amendments are made . . 406
State boundaries 407
State survey 412
Sovereignty and jurisdiction of the state 412
Ceded jurisdiction over parts to the United States 412
The civil divisions of the state—
1. Counties—
Boundaries of New York county 413
Concurrent jurisdiction of counties over waters . . . 414
Erection of a new county . . 414
Cessions of territory by one to another county . . . 415
2. Senate districts 416
3. Congressional districts . . 416
4. Towns 416
5. Cities 417
6. General provisions concerning the erection and alteration of counties, cities, villages, towns 417
7. Assembly districts . . . 418
8. Judicial districts . . . 418
Census 419
Rights of citizens and inhabitants of the state 420
Indians within the state . . . 422
Public officers—
Legislative 425
Executive 425
Judicial 425
Administrative 427
General provisions . . . 428
Elections—
Other than for militia and town officers 429
Disqualification of voters . . 429
Absent military voters can vote, &c. 429
Qualified voters on Indian lands . 430
No court — no suits served on voters, &c., during elections . 431
General and special elections . 431
Elections in cities — wards — inspectors 431
Election in towns—districts . 432
Polling-places—inspectors of election—clerks of the poll . . 433
Challenging voters at the poll . 433
Ballot-boxes—poll-lists . . 434
Maintaining order at the polls, canvassing votes, &c. . . 435
County board of canvassers, proceedings, statements, &c. . 436
County clerk's duties . . . 437
Secretary of state's duties . . 438
Board of state canvassers, proceedings, &c. 438
Election of congressional representatives, &c. 439
Election of electors of President and Vice-President, &c. . . 439
Meeting of these electors—organisation—proceedings, &c., of the electoral college . . . 441
Election of United States senators by the legislature . . . 441
Election law offences, &c. . . 442
Miscellaneous provisions as to inspectors, watchers, &c. . . 442
Watchers challenging voters . 443
Filing, &c., returns and statements 443
Ballots 443
Supreme court issuing mandamus to compel correction of errors . 444
Board of supervisors of county having 40,000 inhabitants decide whether county judge act as surrogate, &c. 444
Registry laws—
Board of registry 444
Register of electors—making, filing, publishing . . . 445
Correction of register, &c. . . 445
Poll-clerk's entries, challenges, filing poll-list and register, &c. 447
Registers in cities and incorporated villages of 7000 inhabitants 447
Taking census in a particular town in a county having 300,000 inhabitants—formation of board of registry, lists of electors, &c. 447
Correcting registries—officers neglecting duties, punishments, &c. 449
Board of register in cities having 16,000 inhabitants, election district officers — register — proceedings, &c. 449
Case of new election district, &c. 450
Voters not on corrected register voting 452
Military code—
Contents 452
Exemptions from military duty—general enrolment . . . 453

Division districts of the state . 455
National Guard 455
State aid for uniforms—state issue of arms and equipments . 455
Armoury, drill-room, &c., provided by supervisors, &c. . . 456
Service pay during war, &c. . 458
County pays in cases of riot, &c. 458
Military fund of regiments, &c. 459
Raising companies, &c., to full strength 459
Calling into active service National Guard and militia — provisions for wounded, &c. . . . 459
Calling out to quell riots, &c.—provisions for wounded, &c. . 460
President ordering militia drafts for service 461
Term of service of non-commissioned officers, musicians, and privates 461
Exemption from jury duty, &c.—discharges 461
Certificate of membership by commanding officers . . . 462
Organised associations of commissioned officers, and of members of troops, batteries, and companies 462
Absent members dropped from and restored to rolls . . 462
Recovery of penalties by district attorney 463
Inspectors of rifle practice—incorporated rifle associations—ranges—competitions in marksmanship—state aid—"state division prize"—"state prize" . . 463
National Rifle Association — returns, &c. 464
State arms, &c., loaned to sheriffs, cities, towns, villages, citizens. 464
Guards on special occasions, for jails, &c., and to enforce court decrees, &c. 464
Bureau of Military Statistics — books, records, &c., open to free inspection, &c. . . . 465
County auxiliaries to said bureau 465
Hall of Military Record . . 466
Towns—
A body corporate . . . 467
When divided or altered, supervisors and overseers of the poor arrange the disposition of town lands or proceeds of sale apportioned, &c. 467
Personal estate and debts likewise apportioned 467
Burial-grounds belong to town where situated 468
Gospel and school lots not affected 468
Town officers at annual town meeting 468
Powers of town electors . . 468
Town electors support town poor and raise funds by tax . . 469
Special town meetings—to raise funds for schools, or poor—to deliberate as to suits, &c. . 469
Civil suits not served on electors on town meeting day . . 469
Justices of the peace to attend and preside at town meetings, &c. 469
Town meetings throughout the county fixed by board of supervisors 470
Opening of polls, &c., at town meeting—officers elected—take and subscribe oath—certificate thereof filed, &c., those not doing so held as refusing to serve 470
Certain officers to file written acceptance—bonds, &c. . . 471
Constables—oath—bond, &c.—actions against 471
$50 and $10 forfeits for officers refusing to serve . . . 472
Town officers serve one year, justices of the peace four years, &c. 472
Justices of the peace give bonds, &c. 472
Where no officers elected, justices of the peace appoint *ad interim* —failing which, special town meeting called . . . 473
Resignations accepted by three justices of the peace . . 473
Vacancies filled by special meetings, &c. 473
Certain vacancies, how filled . 473
Special provisions as to election of town officers in counties having 300,000 inhabitants . 474
Duties of a supervisor . . 475
Duties of a town-clerk . . 476
Duties of fence-viewers, &c. . 476
Duties of board of town auditors, &c. 477
Fees paid pound-master, supervisor, and other town officers . 479
Litigation by or against towns, town officers, &c. . . . 479
Town charges 479
Money to pay them raised as town taxes 479
Miscellaneous provisions — number of overseers of the poor—highway commissioners, &c.—

assessment of damages, when road laid out, &c. . . . 480
Board of supervisors audit such assessment—raise the amount as a tax—payment . . . 481
Fire-engine, &c., companies—exemption of members from jury and ordinary militia service . 481
Voting money for town-houses, &c., and raising funds . . 482
Bonded indebtedness—annual reports thereof 482
Houses of detention or lock-ups—funds raised 482
Burying-grounds—boards of trustees 483
City common council, village trustees, town supervisors, &c., not to be interested in contracts, &c. 483
Damages by mobs, &c., paid by town, &c., provided, &c.—three months' prescription of suits for damages 483
Free public libraries—appropriations therefor raised, &c. . . 484
Summary investigation of financial affairs on affidavit of twenty-five freeholders . . . 484
Annual list of corporations, &c., sent by supervisor to state comptroller 484
Borrowing powers, &c., of municipal corporations, &c. . . 484
Judgment debts met by assessment, &c. 486
Counties, &c., not to give or loan money or property to individual associations, &c. . . 486
Railroad aid debts—railroad commissioners 487
Sinking fund—extinguishing, &c. 488
Villages—
Incorporation of—proceedings . 492
Powers 494
Meeting for election of village officers 494
Village officers—their respective duties 494
Their necessary qualifications—oaths—bonds, &c. . . . 495
Qualifications of voters . . 495
Officers appointed by board of trustees 495
Annual election of corporation officers 495
Meetings of board of trustees—their powers 496
Sidewalks 497
Fire department, &c. . . . 497
Public health—health commissioners 498
Trustees audit all accounts—their annual statement of expenditures, and estimates—they act as assessors, &c. . . . 498
Poll-tax 499
"Ordinary" and "extraordinary" expenses—tax therefor . . 499
Highway tax 500
Contracting for water supply, &c. 500
President of the village—duties . 500
Treasurer—duties . . . 501
Justices of the peace . . . 501
Police constable 501
Collector 501
Duties of trustees as assessors—taxes—sales for taxes—civil actions, &c. 502
Incorporated village is a separate highway district—opening of roads—taking lands therefor, &c. 503
Village trustees have the powers of town boards at elections, &c. 505
Borrowing money . . . 505
Records of proceedings of boards of trustees 505
Annual publication in newspapers of statements of receipts and expenditures 506
Vagrants, disorderly persons, &c. 506
Assessments are liens on lands . 507
Resignations of officers—no compensation paid president and trustees—returns of inspectors of election recorded . . . 507
Extending boundaries . . . 507
Purchase of lands for burying-grounds, &c. 507
Water commissioners—organising boards 507
Their powers and duties—purchasing lands—borrowing money—contracts—water rents—sinking fund—taxing for deficiencies—by-laws, &c. . . . 508
Police justice in villages of 3000 inhabitants, &c. . . . 509
Police justice—his election—jurisdiction—term of office—filling vacancies—record of complaints—report of fines, &c. . 509
Cities—
General provisions—firemen—credited with time of service—election of mayors, &c.—committees of common council—powers of chairman—subpœnaing witnesses, &c. . . . 511
Removal of burying-ground . 512
Police department—special patrol-men in pay of telegraph company, &c. 512

Counties—
Each a body corporate—powers . 513
Division or alteration . . . 513
Annual meeting of supervisors of cities and towns as a board—powers, &c. 514
Clerk of board—his general duties &c. 514
Penalty for supervisors refusing or neglecting to perform duties 514
Taxes levied and collected—apportioned among towns and wards 514
Boards of supervisors can divide or alter bounds of towns, erect new towns, &c.—filing and publishing maps, &c. . . . 514
First annual town meeting, &c. . 515
Additional powers under Acts 515
Exercising powers . . . 516
Changing location of court houses, &c.—can expend only one-half of 1 per cent upon last assessment roll, and borrow not over one-half of 1 per cent . . 516
Loans to towns or counties from common school fund . . 517
Bonded indebtedness—treatment when town altered or newly erected 517
Subpœnas, &c., issued by chairman of board of supervisors, or of a committee—duty of sheriff or constable—contempt . . 517
Board can authorise a supervisor with certain consents to borrow for roads or bridges one-half of 1 per cent—contracts, &c. . 518
Raising money for soldiers' monuments 519
Excepting New York and Kings, two-thirds vote of all members of the board legalise informal acts of towns in raising money, provided, &c. 519
Board audits accounts of county officers, &c. 520
Making roads, &c. — borrowing money therefor, &c., in Queen's County 520
Certificates of indebtedness by clerks of counties . . . 520
Contracting for support of prisoners on civil process . . 520
Further powers conferred . . 520
Acts, under resolution duly entered in minutes and published 523
Compensation of supervisors . 524
Copy of proceedings transmitted to state library at Albany . 524
Special provisions as to Chautauqua 524
In counties of over 300,000 acres of unoccupied and unimproved forest lands, separate highway districts, &c. 524
County treasurer—his duties, &c. 524
Chamberlain of New York city and county is the treasurer . 525
Clerks of counties—their duties, &c. 526
In New York city and county the register and county clerk, and all other county clerks, keep a register of fees, &c., and make semi-annual statements and reports 527
Sheriffs and coroners — their duties, &c. 528
Surrogates, their duties, &c. . 530
District attorneys, their duties, &c. 531
Legal proceedings in favour of and against counties . . 532
Miscellaneous and special provisions 533
County charges 533
Board of supervisors audit these before payment, and provide, in advance, moneys for the treasurer to pay 534
Health commissioner repays to Richmond county expenses incurred when non-citizens, contributors to the marine hospital, commit crime, &c., on quarantine ground 534
Officers receiving fines, &c., report annually to board of supervisors 534
Taxation—
Property exempt 535
Plan and manner of assessing . 536
Collector pays moneys collected under warrant by boards of supervisors, &c. 538
State board of equalisation—organisation, duties, &c. . . . 538
State taxes assessed by supervisors, &c. 539
Appeals by supervisors of towns, &c., to state assessors, &c. . 539
Correction of assessment of a town, &c. 540
Where farm lies in two or more counties, &c. 540
Where an individual's premises wrongfully assessed, &c. . . 540
Writs of *certiorari* allowed, &c. . 540
Public health—
Quarantine in and for the port of New York, &c. . . . 541
Health officer, quarantine commissioners, &c. 542
Powers of commissioners, &c. . 543

Health regulations in other ports 543
Boards of health in cities other than New York, &c., appointed by common council, &c., organisation 543
Boards of health appointed by incorporated village trustees, organisation 543
Boards of health for towns, organisation 543
State board of health may interfere, &c. 543
Filling of vacancies, meetings, duties, jurisdictions, powers, &c. 543
Duties of boards of health to supervise and complete registration of births, &c.—town-clerks and registering clerks to keep the records 544
Exclusion from common schools of children and persons not vaccinated 545
State commissioners of health, appointed by governor . . . 545
State board of health—organisation, meetings, president, secretary, &c. 545
Duties of state board . . . 546
Supervision of state system of registration of births, &c., its secretary being superintendent of registration of vital statistics of the state, &c. . . . 546
Transfer burial permits issued . 546
Representatives of city, &c., boards allowed at meetings of state board, &c. 546
Reports by state board . . 547
Seats for females in stores, &c. . 547
Doctors, surgeons, dentists, &c., regulations and statutes . . 547
Common Schools—
Revenues—common school—literature — United States deposit funds, &c. 547
Institutions included under public instruction 549
Chap. 555, laws of 1864, fundamental law 549
State superintendent of public instruction—his deputy, &c. . 549
School commissioners . . . 549
County tax of 1¼ millions . . 549
Comptroller may withhold payment of school money . . 549
Payments by the superintendent, &c. 550
Qualified school districts entitled to school money . . . 550
Apportionment of shares, &c. . 551
Division of state and other school moneys 551
Duties of supervisors . . . 552
Duties of town clerks . . . 552
Duties of school commissioners . 552
Qualifications of voters at neighbourhood or district school meetings 553
Their powers at such neighbourhood and district meetings . 553
Qualifications of district and neighbourhood school officers . . 554
Their terms of office—vacancies, &c. 554
In districts with 300 school children officers elected by ballot, &c. 555
Free to children between five and twenty-one years . . . 555
Non-residents—Indian children . 555
Qualified teachers . . . 555
Annual reports by trustees of a district 555
School district taxes apportioned on real estate, &c. . . . 555
Union free schools—formation, boards of education, &c. . . 556
Such boards are bodies corporate —organisation, &c. . . . 557
Money for such schools raised by taxation of a majority, &c. . 558
Powers of such boards . . 558
Can make an academy the academical department . . . 558
Members can be removed for cause 558
$125,000 levied annually for academies, &c., and distributed . 558
Common school scholars can stand academic examinations, &c. 558
Free instruction for certificated scholars 558
Dissolution of union free school districts, &c. 559
Separate schools for coloured children under law of 1864 . . 559
Teachers' institutes in commissioners' districts, &c. . . 560
Appeals to the superintendent of public instruction, &c. . . 560
Deaf and dumb in towns reported by overseers of the poor, &c. . 560
Schools of incorporated orphan asylum societies, &c. . . 561
Indian children—schools, &c. . 561
The trustees of the "Gospel and school lot," &c. . . . 561
Their powers besides ordinary corporation powers . . . 561
Idle and truant children—treatment, &c. 562

Enforced instruction of children by parents at home or at school —ages—terms of instruction, &c. 562
Nautical school in New York harbour, &c. 563
Freehand drawing to be taught . 563
The Board of Education in the city of New York—
Grammar, primary, and evening schools 563
Board consists of, &c. 564
Division of city into districts—commissioners, inspectors, trustees, &c. 564
Powers of board 564
Duties of board 564
Title of property vested in the mayor, aldermen, &c. . . 565
Duties of commissioners . . 565
Duties of inspectors 566
Duties of trustees 566
Expenses certified by trustees, audited by inspector, &c.—ward-school officers procure schoolhouse, &c. . . . 567
Board of trustees can remove teachers other than, &c. . . 567
City superintendent subject to state superintendent, &c.—reports, &c. 567
Duties of city superintendent . 567
Superintendent of school buildings—removal of teachers—residence of school officers, &c. . 568
City children between five and twenty-one years attend, &c. . 568
Common schools, "ward schools," "ward primaries,"—grammar, primary, and evening schools . 568
The College of the city of New York, formerly the Free Academy—
A body corporate—organisation—revenues—gratuitous education to pupils in city and county common schools—degrees—reports to the city and university authorities, &c. . . . 568
Miscellaneous—
The Holy Scriptures not necessarily excluded . . . 569
Schools in New York city under supervision of the Board of Education, &c. . . . 569
Nautical school in the City of New York—
The executive committee for the nautical school—Chamber of Commerce committee as a council—reports . . . 569
Hebrew Orphan Asylum . . 570
Instruction in physiology and hygiene—alcoholic drinks, &c. . 570
Separate coloured schools abolished by Act of 1884 570
Schools in New York city in 1885 —number 571
Sixteen others reported by the Board of Education . . . 571
Total money drawn for public instruction in 1885 . . . 571
The University of the State of New York—
Incorporated as "The Regents of the University of the State of New York"—organisation, &c. 571
Regents visit and inspect all colleges, &c. 572
Degrees, &c. 572
Examinations for those who appear — conferring degrees not conferred by colleges . . 572
Regents appoint college principals after certain time . . 573
Control income of literature fund —divide it into eight parts and distribute it, &c. . . . 573
Seminaries report annually, &c. . 573
Regents report annually to the legislature 573
They prescribe forms of returns from colleges, &c. . . . 574
Grant charters for colleges, &c. . 574
Chartered colleges—
Trustees are a corporation—organisation, &c. . . . 574
Powers of college trustees . . 574
Diplomas 575
Founding colleges under laws of 1813 575
Columbia College in New York city 575
Union College at Schenectady . 576
College of Physicians and Surgeons in New York city . . 577
Appointment of presidents of academies 577
Colleges for agricultural and mechanical arts — public lands donated by Congress, &c. . 577
People's College at Havana, in the county of Schuyler—regents pay remainder of income not appropriated to the People's College to such colleges, &c. . 578
Cornell University . . . 579
Academies—
Incorporation—organisation . 581
General powers and privileges of trustees — meetings — non-attendance by trustees may be held as resignation, &c. . . 582
Annual reports, &c. . . . 583

Qualifications, &c., of trustees, &c. 583
Incorporation of universities by regents, &c. 583
Medical or surgical schools founded, &c., by citizens, &c. . . 584
Degrees of M.D., &c. . . . 584
Lancaster or Bell schools . . 585
Normal schools—
Various local normal and training schools under special local Acts 585
Purpose of normal schools—organisation 585
State normal school in Albany . 586
Education of Indian youth in state normal school 586
County, city, village, &c., normal schools 586
Local boards of managers . . 588
Appropriation from income of deposit or literature funds, &c. —Act of 1853 588
Appropriation from income of United States deposit fund—general provisions, &c.—Act of 1877 589
The New York Agricultural Experiment Station—
Purpose—organisation, &c. . . 589
Agricultural societies—
Formation—restriction in number —presidents *ex officio* . . 590
Members of the New York State Agricultural Society . . 590
Duty of the State Agricultural Society 590
American Institute . . . 590
Support of the poor—
Definition of the poor . . . 591
Superintendents—overseers . 591
Superintendents of the poor of the county form a corporation —their powers . . . 591
County poorhouses, &c. . . 592
Where the supervisors abolish distinction between town and county poor, and where the distinction exists . . . 593
When settlements are acquired by minors 593
What residence does not constitute a settlement . . . 593
When poor to be supported . 593
Overseers contesting settlement —county superintendent's decision final 594
Support of poor not charged to county without sanction of the superintendents . . . 594
Town overseers claiming poor person is a county charge—decision of board of county superintendents final 594
Permanent and temporary relief—removal, &c. 594
Where no county poorhouse, &c. 595
Where towns support their poor, county treasurer opens separate accounts, &c. 596
Books of overseers audited by town auditors 596
Where town supports poor, overseers' accounts exhibited at annual town meetings, &c.—their books laid before common councils in certain cities . . . 596
Charges of overseers and justices of the peace audited, &c. . . 596
Property of poorhouses, &c., not taxed—keepers exempt from jury and militia service . . 596
Moneys raised for poor controlled by overseers, &c. 596
Annual reports 597
Education of paupers between five and sixteen years of age, &c. . 598
Compromising with putative fathers of bastards 598
Placing children in orphan asylums, &c. 598
Records kept by orphan asylums, &c. 598
Only idiotic, &c., children under sixteen committed to poorhouses, &c. 598
Interment of honourably discharged soldiers, &c. . . . 599
When wife and children, or children deserted and destitute, &c. 599
The state board of charities—
Organisation, &c.—powers and duties of the commissioners . 600
The state commissioner in lunacy—
Appointment, &c.—duties and powers, &c. 601
The state poor—
State almshouses, &c.—state poor, &c. 602
Orphan asylums, &c.—
Powers to bind out orphan and indigent children—reports . 603
State benevolent institutions . . 604
Insane persons—
Commitment to asylums, &c., &c. 604
Habitual drunkards—
Notice to merchants, &c., not to give or sell spirituous liquors, &c. 605
Disorderly persons—
Who are 606
Tramps—
Who are, &c. 606

Marriage—
Civil contract—when incestuous—absolutely void—after five years' desertion, &c. . . 606
Who can perform ceremony, &c.—inquiries to be made by minister or magistrate—certificates—registration 607
Special provisions for Quakers and Jews 608
When woman can get marriage declared void, &c. . . . 608
When either party can . . 608
Divorce—
When obtainable for adultery . 609
When not obtainable by plaintiff 609
Legitimacy of children—dower—right to marry again . . 609
Separation—
Causes for action . . . 610
When action may be maintained 610
Plea of justification . . . 610
Married women's rights—
Her rights, &c. 610
Dower—courtesy . . . 611
Adoption—
Definition—parties consenting—proceedings—the adopted takes the name of person adopting—no right of inheritance, &c. . 612
Descent—
To whom guardianship of infant belongs—aliens—intestate's real estate descends to—some rules and regulations . . . 612
Distribution—
What the intestate's estate is—how distributed . . . 614
Public administrators—
In New York city and county—when he acts—when superseded—reports deaths and burials . 615
In King's county—powers, &c. . 616
In the other counties the county treasurer acts—in what cases . 616
Mechanics' liens—
General rules, &c. . . . 617
Chattel mortgages—
General rules, &c. . . . 617
Judgments—
A lien upon real estate when docketed—personal property—execution within five years, &c. . 617
Property exempt from levy and sale—
Householder's exempt property . 618
Additional of householder or of person with a family to provide for, except, &c. . . . 618
Women's exempt property . . 618
Non-commissioned officers', &c., pay, &c. 618
Family burying-ground, provided, &c. 619
Property in trust . . . 619
Earnings within sixty days needed for family 619
Homesteads of not over $1000 value designated—married women's—exemption continues until—ceases—mortgages, &c. 619
Usury—
Legal rate of interest, &c. . . 620
Corporations—
How formed—"domestic," "foreign"—immense variety of . 620
Purposes of "charitable, &c. corporations"—"religious corporations" 621
Game and fish protection—
Protectors—powers and duties . 622
State Commission of fisheries—
Commissioners—duties—reports, &c. 622
Dogs—
Taxes, how disposed of . . 622
Surplus dog fund how applied, &c.—damages for killed and injured sheep fixed by fence-viewers—how paid . . . 623
Immigrants—
Numerous acts—Castle Garden . 623
Commissioners of emigration—inspection of persons and effects to discover habitual criminals, pauper lunatics, &c.—diseases, &c.—disposal of such persons and effects, &c.—Act of 1881 imposing $1 tax on alien passengers unconstitutional . . 624



FLAG AND SEAL.

THE flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field.

On the admission of a new state into the Union, one star shall be added to the Union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States.

The Secretary of State shall keep such seal, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President by and with the advice and consent of the Senate, or by the President alone. But the said seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor.

—Revised Statutes of the United States, sections 1791-94, both inclusive.

States and Territories of the United States of America.

Names.	Dates of Admission of States or of Organisation of Territories under the Constitution of 17th September 1787.	Area in Square Miles.	
		Land.	Water.
The Original States.			
1. Delaware	7th December 1787	1,960	90
2. Pennsylvania	12th " "	41,985	230
3. New Jersey	18th " "	7,455	360
4. Georgia	2d January 1788	58,980	495
5. Connecticut	9th " "	4,845	145
6. Massachusetts	6th February "	8,040	275
7. Maryland	28th April "	9,860	2,350
8. South Carolina	23d May "	30,170	400
9. New Hampshire	21st June "	9,005	300
10. Virginia	26th " "	40,125	2,325
11. New York	26th July "	47,620	1,550
12. North Carolina	*21st November 1789	48,580	3,670
13. Rhode Island	*29th May 1790	1,085	165
The District of Columbia, where the seat of Government is	 1789	60	10
Admitted States.			
14. Vermont	 1791	9,135	430
15. Kentucky (from Virginia)	 1792	40,000	400
16. Tennessee (from North Carolina)	 1796	41,750	300
17. Ohio	 1802	40,760	300
18. Louisiana (bought from France in 1803)	 1812	45,420	3,300
19. Indiana	 1816	35,910	410
20. Mississippi (from Georgia)	 1817	46,340	470
21. Illinois	 1818	56,000	650
22. Alabama (from Georgia)	 1819	51,540	710
23. Maine (from Massachusetts)	 1820	29,895	3,145
24. Missouri (from Louisiana)	 1821	68,785	680
25. Arkansas	 1836	53,045	805
26. Michigan	 1837	57,430	1,485
27. Florida (ceded by Spain)	 1845	54,240	4,440
28. Texas	 1845	262,290	3,490
29. Iowa	 1846	55,475	550
30. Wisconsin	 1848	54,450	1,390
31. California	 1850	155,980	805
32. Minnesota	 1858	79,205	4,160
33. Kansas	 1859	55,475	550
34. Oregon	 1861	94,560	1,470
35. West Virginia (from Virginia)	 1863	24,645	135
36. Nevada	 1864	109,740	960
37. Nebraska	 1867	76,183	670
38. Colorado	 1876	103,645	280
Territories.			
1. New Mexico	 1850	122,460	120
2. Utah	 1850	82,190	2,780
3. Washington	 1853	66,880	2,300
4. Dakota	 1861	147,700	1,400
5. Arizona	 1863	119.920	100
6. Idaho	 1863	84,290	510
7. Montana	 1864	145,310	770
8. Alaska (purchased from Russia)	 1867	577,390 †	..
9. Wyoming	 1868	97,575	315
		3,455,383	52,645

* The President informed Congress on 28th January 1790 that North Carolina had ratified the Constitution, and on 1st June 1790 that Rhode Island had ratified it.

† Land and water areas not separated.

Note.—To the areas above stated have to be added the Indian territory, containing 64,094 sq. miles of land and 600 sq. miles of water; unorganised territory, 5,740 sq. miles of land; Delaware Bay, 620 sq. miles of water; Raritan Bay and Lower New York Bay, 100 sq. miles of water. Total land area of the U.S., about 3,525,217 sq. miles; water area, 53,965 sq. miles.

REPUBLICAN INSTITUTIONS

IN

THE UNITED STATES.

INTRODUCTORY CHAPTER.

This work, founded upon the statute law of the United States, and of the several states of the Union — the State of New York being especially treated as illustrative of the others— does not claim originality, and does not pretend to literary style. The words of the statutes are adopted as much as possible ; and where other sources of information are tapped, as the President's annual message to Congress, reports of heads of departments, newspapers, &c., the same are quoted or closely followed. Though closely allied to a law-book, it is by no means one upon which a lawyer should build a house. It does not give all the law — only so much as seems necessary to afford an intelligent reader, who can apply his mind to such hard reading, a thorough insight into the machinery of republican institutions in operation in the United States of America, and in the states and territories composing these United States, now the most powerful nation on the face of the earth, because it has ample population, developed and inexhaustible resources, the needful capital, and brains, and energy, and skill, and adhesion, to be unconquerable by any combination of uncivilised, or civilised, or mixed nations. It has all the needed resources within its own territory to subsist, independent of importations; to carry on, at the least, a defensive war for an indefinite period, certainly long enough to exhaust all other nations ; and the indomitable energy of its people would enable it to become aggressive, as a second wind, in the exhausting war-struggle. The blockade of its seaports, the destruction of New York, Boston, and other seaboard cities, would be cruel blows, but would not be fatal to the life of the nation. The young giant among nations is semi-conscious of his strength, but the time has not yet

come to overshadow the world. The foster-mother, Europe, still gives him in abundance the rich warm milk of her bosom; his bones are knitting firmer in fibre, and growing in size; his muscles are hardening with development and exercise; his blood is assuming a distinctive conglomeration; his nerves are well strung and sensitive; his brain is original and vigorous. Is this conglomerate nation to spread over all North America, and to domineer over all other nations? It seems unnatural. It is impossible to predict what manner of nation, or nations, shall inhabit North America in the year 2000. One century ago the citizens of the United States were of a different type to what they are now; and it may reasonably be assumed that there will be at least as great a change during the coming century. The refrain has hitherto run through the march of time, and may possibly continue for ages. The Declaration of Independence of July 4, 1776, is operative to-day. It forms a part of the state system of government; it is incorporated into the constitution and accepted by the citizens of each state admitted into the Union. It was the conception of the thirteen revolted colonies, and continues the backbone of each state, as the reader can see by turning to that part of this work describing the transformation of a territory into a state.

There is nothing mean in the declarations "that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." The Bible and nature satisfy us that we do not bring ready-made garments from another world, or gold or silver, or anything, with us from the wombs of our respective mothers. It is true that, without life, liberty and the pursuit of happiness are, at least in this world, of no importance to the deceased; so that, not granted life, liberty and the pursuit of happiness are of no practical account. The terms "liberty" and "pursuit of happiness" are descriptive terms, whose definitions vary according to the ideas of each individual. In point of fact, complete liberty is a monopoly inconsistent with intercourse between men, or men and animate or inanimate creation. The elements even resist man and qualify his liberty. The fate of mankind is well described in the third chapter of Genesis. The Lord God said unto the woman, "I will greatly multiply thy sorrow and thy conception: in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee. And unto Adam he said, Because thou hast hearkened unto the voice of thy wife, and hast eaten of the tree, of which I commanded thee, saying, Thou shalt not eat of it: cursed is the ground for thy sake; in toil shalt thou eat of it all the days of thy life: thorns also and thistles shall it bring forth to thee; and thou shalt eat the herb of the field. In the sweat of thy face shalt thou eat bread, till thou return unto the ground; for out of it wast thou taken: for dust thou art, and unto dust shalt thou return." These words are as apt to the citizens of the United States as to any other people upon earth. The daughters of Eve have not unqualified liberty. The sons of Adam eat in toil all the days of their lives—eat the herbs of the field, in the sweat of their faces eat bread, without rest until as dust they return to dust from which they are. It is not the pursuit of happiness, but the doing of the will of God with the least possible friction, under all circumstances, which is the duty of man, and which is the right

of man. The happiness, or so-called happiness, of a base nature is very different from the happiness of a son of God. The unqualified use of the terms "liberty" and "pursuit of happiness" is mere clap-trap in the Declaration of Independence. The enumeration of the "repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states," at this date, strikes the calm mind as exhibiting a good deal of irritation and partisanship, which requires toning down in order to form a judicial decision as to the merits of the misunderstanding, or unpleasantness, between the colonies and the mother country. There are always two sides to a question, and that the colonies were successful in gaining their independence is neither here nor there in absolving them entirely from blame. In point of fact, there was justice upon each side, and fault upon both. It ought now to be a matter of no moment upon which side was the greater fault. The sun has gone down about forty thousand times since the colonies became the United States of America, and peace with the mother country was restored. The separation had to come sooner or later. The laws of nature decreed it; and nature has consistently shown that what is good for one (be it an individual or a nation) may not be good for all. The genius of a nation is formed by nature, according to circumstances, but consistent with nature; and the genius of each nation differs more or less from that of every other nation.

It happened, fortunately for the United States, that it was in the power of the framers of the Constitution to banish and to prevent the importation, or the adoption, of prominent relics of a barbarous age. Feudalism was justly decreed a barbarity; and the favouring of the first son, as part of it, or as infringing the declaration that "all men are created equal," ceased. By the Articles of Confederation, July 9, 1778—paupers, vagabonds, and fugitives from justice excepted — the free inhabitants of each of the states were entitled to all privileges and immunities of free citizens in the several states, and the people of each state had free ingress and regress to and from any other state, and enjoyed therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restrictions did not extend so far as to prevent the removal of property imported into any state to any other state of which the owner was an inhabitant; provided, also, that no imposition, duties, or restrictions were laid by any state on the property of the United States, or either of them. Canada, upon acceding to this confederation of the thirteen revolted colonies, and joining in the measures of the United States, was to be admitted into and entitled to all the advantages of this union. These articles did not contain any prohibition of titles, and it was, notwithstanding the Declaration of Independence of 1776, not so impossible that a monarchy might not have been established, or a reconciliation with the mother country brought about. The establishment of a republican form of government was not then irrevocably decided upon. But the republican ideas grew with the circumstances, and developed into the Constitution of the United States of September 17, 1787, which began with this preamble, "We, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to our-

selves and our posterity, do ordain and establish this Constitution for the United States of America." This Constitution does not contain any declarations as to all men being created equal, or as to the inalienable rights, among them those of life, liberty, and the pursuit of happiness, because it properly fell to the several state constitutions to embody them. But by Art. I., sec. xi., clause 7, "No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state." This provision was intended to be, and has proved, an effectual barrier to the vaulting ambition of little earthly minds, who hold that man can ennoble blood which God has ordained is, and shall for ever be, in His sight equal; and it prevents the injustice done to unborn generations by the creation of a privileged class by right of birth alone, and a consequently degraded class, also by right of birth alone—both the work of usurpers of God's inalienable rights. Art. IV., sec. ii., clause 1, provides that "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states"; and sec. iv., that "The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence."

When the Constitution of the United States was being framed by the representatives of the several states in convention, very great difficulty was experienced in bringing about the compromise agreement afterwards adopted as the Constitution. Each of the thirteen states was determined to maintain its individuality, and when the number of representatives in Congress was agreed to be in proportion to population, as from time to time fixed by the United States census, —the number not to exceed one to every 30,000, but each state to have one representative,—it was, in order that the smaller states should not be swamped by the larger but have an equal voice in the senate, agreed that the Senate of the United States should be composed of two senators from each state, chosen by the legislatures of the respective states for six years; and each senator should have one vote. This was at the time a perfectly proper compromise. But at the present day it does seem strange that Rhode Island, with a land area of 1085 square miles, and a population of 276,531 at the last census, taken in 1880; Delaware, with 1960 square miles, and 146,608 inhabitants, — or that these two and the six states, Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, and Vermont (not one of which has 10,000 square miles of land), with an aggregate area of 51,385 square miles, and a total population of 5,574,250, should have sixteen of the seventy-six—or more than one-fifth of the whole—senatorial votes in Congress. The total population of the United States, according to the census, was in 1880, 50,155,783; and the aggregate area of all the states and territories, about 3,525,217 square miles of land (inclusive of Indian territory). New York had 5,082,871 inhabitants, with 47,620 square miles; Illinois had 3,077,871 inhabitants, with 58,000 square miles; Missouri, 2,168,380 inhabitants, with 68,735 square miles; California, 864,694 inhabitants, with 155,980 square miles. Year by year this disproportion of influence in the

United States Senate is increasing, and thus the necessity for a new distribution of state representation in the United States Senate has to be looked in the face and provided for. A civil war, or other unpleasantness, may be obviated by voluntary surrender, and an amicable arrangement under Art. IV., sec. iii., clause 1, which provides that "new states may be admitted by the Congress into the Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress." Hitherto no state has been absorbed by another state. There seems good reason to suppose that this weak point, now rapidly developing, will sooner or later cause trouble.

The qualifications required of voters in the several states vary, and the attention of the reader is directed to the accompanying statement, taken from the American Almanac for 1886, edited by Ainsworth R. Spofford, Esq., Librarian of Congress.

[TABLE.

Qualifications required for Suffrage in each of the 38 States.

States.	Age.	Requirement as to Citizenship.	Residence in			Registration.	Excluded from Voting.
			State.	County.	Voting Precinct.		
Alabama	21	Citizens, or declared intention	1 year	3 months	1 month	Legislature may regulate	Idiots, Indians, convicted of crime.
Arkansas	21	Do. do.	1 "	6 "	1 "	Prohibited as a bar to suffrage	Idiots, Indians, convicted of crime.
California	21	Actual citizens	1 "	90 days	30 days	Registration required by law	Idiots, Indians, convicts, Chinese.
Colorado	21	Citizens, or declared intention	6 months	.. .. ..	.. .. ..	Required by constitution	Persons in prison.
Connecticut	21	Actual citizens	1 year	6 months	6 months	Required by law	Those unable to read, and convicts.
Delaware	21	Actual county taxpayers	1 "	1 "	.. .. ..	No registration required	Idiots, insane, paupers, criminals.
Florida	21	U.S. citizens, or declared intention	1 "	6 "	.. .. ..	Required by constitution	Idiots, insane, criminals, bettors on elections, duellists.
Georgia	21	Actual citizens	1 "	6 "	.. .. ..	Legislature may regulate, no Act	Idiots, insane, criminals, and non-taxpayers.
Illinois	21	Do.	1 "	90 days	30 days	Required by law	Convicts.
Indiana	21	Citizens, or declared intention	6 months	60 "	30 "	No law for registration	Fraudulent voters and bribers.
Iowa	21	Actual citizens	6 "	60 "	.. .. ..	Required by law	Idiots, insane, criminals.
Kansas	21	Citizens, or declared intention	6 "	.. .. ..	30 days	Required in cities only	Idiots, insane, convicts, rebels.
Kentucky	21	Free white male citizens	2 years	1 year	60 "	No registration required	Bribery, robbery, forgery, &c.
Louisiana	21	Citizens, or declared intention	1 "	6 months	30 "	Legislature may regulate	Idiots, insane, criminals.
Maine	21	Actual citizens	3 months	.. .. ..	.. .. ..	Required by law	Paupers, Indians not taxed.
Maryland	21	Do.	1 year	6 months	.. .. ..	Required by constitution	Lunatics, convicts, and guilty of bribery.
Massachusetts	21	Citizens	1 "	.. .. ..	6 months	Required by law	Paupers, persons under guardians, non-taxpayers, and men unable to read and write.
Michigan	21	Citizens, or declared intention	3 months	.. .. ..	10 days	Required by law	Duellists.

Minnesota	21	Do. do.	4 "	.. .. ..	10 "	Required by law	Idiots, insane, convicts.
Mississippi	21	Actual citizens	6 "	1 month	.. .. ..	Required by constitution	Idiots, insane, criminals.
Missouri	21	Citizens, or declared intention	1 year	60 days	.. .. ..	Required by constitution in cities only	Inmates of asylums, poor-houses, and prisons, U.S. army.
Nebraska	21	Do. do.	6 months	.. ..	.. .. ..	Required by law	Idiots, convicts, U.S. army.
Nevada	21	Do. do.	6 "	30 days	.. .. ..	Required by constitution	Idiots, insane, convicts.
New Hampshire	21	Actual citizens	.. .. ..	.. .. ..	Town, 6 months	Required by law	Paupers.
New Jersey	21	Do.	1 year	5 months	.. ..	Required in cities of 10,000	Paupers, idiots, insane, convicts.
New York	21	Do.	1 "	4 "	30 days	Required in cities of 10,000	Election bettors or bribers, convicts.
North Carolina	21	Do.	12 months	30 days	.. .. ..	Required by constitution	Convicts.
Ohio	21	Do.	1 year	.. .. ..	.. .. ..	No registration required	Idiots, insane.
Oregon	21	Citizens, or declared intention	6 months	.. .. ..	.. .. ..	.. .. ..	Idiots, insane, convicts, U.S army, Chinese.
Pennsylvania	21	Actual citizens	1 year	.. .. ..	2 months	Required by constitution	Non-taxpayers, political bribers.
Rhode Island	21	Actual tax-paying citizens	1 "	.. .. ..	Town, 6 months	Required by law	Persons without property to value of 134 dols.
South Carolina	21	Actual citizens	1 "	30 days	.. ..	Required by constitution	Insane inmates of asylums, almshouses, and prisons, U.S. army, duellists.
Tennessee	21	Do.	12 months	6 months	.. .. ..	No registration required	Non-payers of poll-tax.
Texas	21	Citizens, or declared intention	1 year	6 "	5 months	Prohibited by constitution.	Lunatics, idiots, paupers, convicts, U.S. army.
Vermont	21	Actual citizens	1 "	.. .. ..	..	Required by law	Bribers.
Virginia	21	Do.	12 months	.. .. ..	Town, 2 months	Required by law	Lunatics, idiots, convicts, duellists, U.S. army.
West Virginia	21	Do.	1 year	30 days	.. ..	Prohibited by constitution.	Lunatics, paupers, convicts.
Wisconsin	21	Citizens, or declared intention	1 "	.. .. ..	.. .. ..	Required by law	Insane, idiots, convicts, bribers, bettors, duellists.

Note.—All the 38 states limit suffrage to male citizens, but in Colorado, Massachusetts, and some other states, women may vote at school district elections.

The ratio of representation in the House of Representatives was by the Constitution one to every 30,000, and has been changed after each census thus—in 1792, to one in 33,000; in 1803, one in 33,000; in 1813, one in 35,000; in 1823, one in 40,000; in 1833, one in 47,700; in 1843, one in 70,680; in 1853, one in 93,423; in 1863, one in 127,381; in 1873, one in 131,425; and in 1883, one in 151,912.

Each Congress lasts two years, and has two regular sessions—each beginning upon the first Monday in December. Extra sessions may be held should the President so determine. Although there may be a great deal of unnecessary talk, the amount of business, of one kind or another, done is enormous, and it is yearly on the increase. The 49th Congress, which commenced its first session on 4th December 1885, sat until 5th August 1886; and its second session began 6th December, and lasted until noon of 4th March 1887. The total number of days the Senate sat in session was 224, and the House of Representatives 251 days. During this time 11,238 bills and 263 joint resolutions were introduced in the House, and over 5000 reports thereon were made; 3357 bills and 118 joint resolutions were introduced into the Senate, on which 1988 written reports were made. This record of work was greatly in excess of the record of any previous year. About 1431 laws were passed, of which 338 originated in the Senate and 1093 in the House. Of these, 264 became law by the expiration of the constitutional ten days' limitation. Fifty bills did not become law, owing to the adjournment of Congress; 132 bills were vetoed by the President; and it is noteworthy that the whole number of previous vetoes, from the beginning of the first Congress to the beginning of this 49th Congress, was 111—an indication of the change in the people of the United States. Ninety-three vetoed bills originated in the House, and 39 in the Senate. Two bills—one private and the other public—were passed by a two-thirds vote over the President's veto, and became law; while several others passed the Senate by a two-thirds vote, but failed in the House.

In treating of the Federal Government in the first part of this work, the United States Statutes have been consulted to the end of the session of 1886; while in treating specially of the State of New York in the second part, the laws appearing in the last (1882) revision of the state laws and the code of Civil Procedure as in force in 1886 have been consulted. The Report of the Board of Education in the city of New York for the year 1885 contained the laws to that date affecting this board, and these and other later sources of information have been tapped.

During the last session of Congress some measures of general importance have been passed. The free delivery system of the Post Office Department was extended to every incorporated city or village having a population of 10,000, or in which the gross postal receipts amount to $10,000 a-year.

An Act was passed to provide for the performance of the duties of the office of President in case of removal, death, resignation, or inability both of the President and Vice-President. By this Act the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, failing whom likewise, then the Secretary of War, failing whom likewise, then the Attorney-General, failing whom likewise, then the Postmaster-General, failing whom likewise, then the Secretary of the Navy, failing whom likewise, then the Sec-

retary of the Interior, shall act as President until the disability of the President or Vice-President is removed, or a President shall be elected. Provided that whenever the said powers and duties so devolve, if Congress is not then in session, or is not to meet in accordance with law within twenty days thereafter, it is the duty of the person upon whom the same devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting. Only officers appointed by the advice and consent of the Senate to said offices, and such as are eligible to the office of President under the Constitution, and not then under impeachment by the House of Representatives, are eligible to act under the above provision. This alters the 146th, 147th, 148th, 149th, and 150th sections of the Revised Statutes, referred to in the body of this work.

Owing to the outcry against aliens acquiring large tracts of public lands in the territories, an Act was passed making it unlawful for persons not citizens in the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States, or of some state or territory of the United States, to hold or own real estate acquired after the date of the Act in any territory or in the District of Columbia, except such as might be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts theretofore created. Rights under existing treaties are not affected while the treaties are in force, but no longer. No corporation or association can acquire or hold or own such real estate, if more than 20 per cent of its stock is owned by persons or corporations or associations not citizens of the United States. No corporation, other than railway, canal, or turnpike, can acquire, &c., more than 5000 acres of land in any territory, or any not required for proper operation purposes, except by Act of Congress.

Another very important Act was passed, which applies to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment from one state or territory of the United States, or the District of Columbia, to any other state or territory or said district, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country, and carried from such place to a port of trans-shipment, or shipped from a foreign country to any place in the United States, and carried to such place from a port of entry either in the United States or an adjacent foreign country. Provided, however, that the provisions of this Act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one state, and not shipped to or from a foreign country from or to any state or territory as aforesaid. The purposes of this Act are—(1) the charges for transportation of passengers or property, and for receiving, delivering, storage, or handling of property, shall be reasonable and just; (2) prohibiting and declaring unlawful special rates, rebates, drawbacks, &c.; (3) making it unlawful to make or give any undue or unreasonable preference or advantage to any particu-

lar person, company, corporation, or locality, &c., and there shall be no discriminating rates and charges between connecting lines, and equal facilities shall be given for the interchange of traffic, &c.; (4) making it unlawful to charge or receive greater compensation in the aggregate for the transportation of passengers or of the like kind of property for a shorter than for a longer distance, not authorising as great compensation for a shorter as for a longer distance, &c.; (5) making it unlawful for common carriers to pool freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, &c.; (6) making it unlawful to charge, demand, collect, or receive a greater or less compensation for the transportation of passengers or property, or for services in connection therewith, than is specified in the published schedule as at the time in force, &c.; (7) making it unlawful to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination, &c., &c. A Commission was also created, to be known as the Inter-State Commerce Commission, composed of five commissioners appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this Act, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties or hold such office; and the commissioners shall not engage in any other business, vocation, or employment; salary, $7500 per annum. This Commission has authority to inquire into the management of the business of all common carriers, subject to the provisions of the Act, and shall keep itself informed as to the manner and method in which the same is conducted, and has the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the purposes for which it was created; with power to require the attendance and testimony of witnesses, and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and to that end to invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, &c. A person claiming damages from any common carrier, subject to the provisions of this Act, may either make complaint to the commission as provided for, or bring suit in any district or circuit court of the United States of competent jurisdiction, but has not the right to both remedies, and must elect which he will adopt.

When Congress adjourned upon 4th March 1887, a bill was nearly perfected to enlarge the powers of the Department of Agriculture and to create an executive department, to be known as the Department of Agriculture and Labour. The chief of this new department should be a Cabinet officer. The Bureau of Labour would be transferred to this department, also the United States Signal Service Bureau.

It is necessary to examine the individual states, and as illustrative of all the states of the Union, the State of New York has been selected, because it is one of the thirteen original states, is the most widely and most deservedly known, is the wealthiest

and most populous, has a goodly territory, and combines land and water jurisdiction, domestic and foreign trade, &c., &c. The constitution of this state was adopted in 1846, and has since then been several times amended (*ride* votes of the people upon the constitution and its amendments), but it is still considered by many as at this day quite good enough for all purposes. It has served as a model for the constitutions of other states. In terms of the constitution, and of an Act of the legislature, dated March 17, 1886, the question was submitted to the electors at the general elections in 1886, and answered affirmatively, that there should be a convention "to revise the constitution and amend the same." But it does not follow that because there is a convention and a new constitution, or amendments to the old constitution are submitted to the electors, there shall be any change. In 1866 the vote for a convention was 352,854 against 256,364; while in 1869 the vote for the amended constitution was 223,935 against 290,456. It is claimed now by the advocates for a revision that "the development of railroads, the obsolescence of the canals, the growth of cities, and the enormous increase in the power of corporations, have created new needs and changed old conditions to an extent that requires an adjustment of the fundamental law to the present state of affairs. There is scarcely an article of the old constitution that could not be improved by a judicious revision" ('New York World').

What is a constitution? This question the reader will be able to answer for himself after reading this work; and the writer merely asks him to keep in mind (1) that the constitution of the state is a declaration of fundamental laws unalterable by the legislature, and only alterable by a majority of the people, citizens and voters of the state, after certain formalities, and due time for deliberation; and (2) that the Constitution of the United States is also a declaration of fundamental laws unalterable by the Congress, and only alterable in the manner prescribed by Art. V., sec. i, of the United States Constitution; (3) that the several constitutions, federal and state, are the main checks upon the whims of Congress and state legislatures.

What is the work of the state legislature? This question the reader will also in time be able to answer for himself. But the quality of the work is not always good. Mr David Dudley Field, an able and experienced lawyer of the State of New York, in his address before the Bar Association of the State of New York, at Albany, in January 1887, said of the New York legislature of 1886: "The session began on the 5th of January and lasted until the 20th of May, a period of 136 days. The cost of the session was a little over $500,000: 681 statutes were enacted; so that each statute, one with another, cost $734. The first thing that strikes the reader is, that 274 of these 681 statutes are entitled Acts to amend former statutes, and that 54 took effect without the assent of the Governor. The same general subject is dealt with in different statutes. There are 26 for canal appropriations, 43 for appropriations to other objects, 69 out of 681 being for appropriations of public money, and costing altogether, if we take one statute with another, $50,000—that is to say, it cost the state $50,000 for the legislature to say how the taxes laid upon the people should be expended. To an outsider it does not clearly appear why these appropriations could not have been all included in one Act. Apart from these statutes, there are few of general importance, and some of them could have been grouped into

one, to the relief of the legislator and the convenience of the citizen. Thus there are 20 Acts to amend the Code of Civil Procedure, 12 for the New York City Consolidation Act, 6 for the Code of Criminal Procedure, 6 for the Penal Code, 5 different Acts relate to taxation, 4 to the power of Boards of Supervisors, 239 are classified in the general index as relating to corporations, 143 as relating to the city of New York, and 60 to the city of Brooklyn. Of the last two classes, some are placed also in other classes. There are 93 classed as relating to villages, 101 to cities other than New York and Brooklyn. Some of these relating to cities and villages are enacted as complete charters—for example, that of the city of Jamestown, extending through more than forty pages of the statute-book; that amending the charter of the village of Oneida, covering eighteen pages; that for consolidating the laws relating to the village of Canton, sixteen pages,—the three together being more than half as long as the proposed Civil Code."

According to the census of 1880, the State of New York had 5,082,871 inhabitants, of whom 65,104 were coloured. But the remarks just quoted are more or less applicable to the work of all state legislatures. The State of New Jersey had, according to the census of 1880, a population of 1,131,116, of whom 38,853 were coloured. Its legislature consists of 21 senators, one from each county, elected for three years, and 60 members of the House of Assembly, elected annually. The following table shows that they find work to do in making laws:—

				Total Laws enacted.	Total Joint Resolutions.
1845-1854, both inclusive—total length of the sessions,			100 weeks,	1453	85
1855-1864,	"	"	" 111 "	2490	52
1865-1874,	"	"	" 123 "	5641	66
1875-1884,	"	"	" 117 "	2361	58
1885,	"	"	" 12 "	250	4

The constitution of each state is the nucleus of the whole system of state government; and this constitution rests upon the Declaration of Independence, as is illustrated in the case of the State of Colorado (the last state admitted into the Union), whose transformation from a territory into a state is described in this work. The Declaration of Independence was embodied as part of the first constitution of the State of New York, and in those of other states. It is omitted in the last constitution of the State of New York, but remains, nevertheless, an essential part of the constitution. The enumeration of the "long train of abuses and usurpations" may be said to be lying dormant (the word "dormant" describing best the feeling in many parts of the United States at the present day). The thorough manner in which this Declaration of Independence has been ingrained into the hearts and minds of the citizens, prevents the enumeration of grievances of the thirteen original colonies being forgotten, and makes it a *point d'appui* in all arguments, &c., against the mother country. The proximity to Canada has, perhaps, in the border states kept alive a continued feeling of irritation or ill-will towards the mother country; and the great number of discontented emigrants from Ireland, or of Irish origin, and their importance as voters, has done more to keep the fire smouldering. It should, however, not be forgotten that English is the common language in both the United States and the United Kingdom, and that jealousy is more likely to be shown, with or

without reason, towards one who assimilates nearest ourselves than towards one whose language and habits and business customs, &c., are less familiar or little understood, and, in consequence, less feared. Also that a standing grievance is a necessity to some; and to assert a grievance is a convenience, or is of use, to others.

There is nominally little, if any, unwritten law in the United States, or in any state. Everything is to be done by rule and measure. The clause, section, chapter of the statute law, and the decisions of the law courts, as precedents for the interpretation of the statutes, ought to regulate the so-called inalienable rights of liberty and the pursuit of happiness. The inalienable right of life, however, is not always recognised; or liberty and the pursuit of happiness may be inconsistent with it. The 'Chicago Tribune' compiled the number of *murders* and *homicides* in the United States, reported in the newspapers during 1886, to be 1499, classified by causes thus: quarrels, 631; jealousy, 181; liquor, 126; by highwaymen, 89; highwaymen killed, 24; insanity, 64; infanticide, 43; resisting arrest, 52; strikes, 35; riots, 16; self-defence, 19; outrage, 10; duels, 12; unknown, 197. During the same period the number of *legal executions* reported was 84, distributed thus among the states — viz.: Alabama, 2; Arkansas, 11; California, 2; Colorado, 2; Florida, 3; Georgia, 5; Illinois, 4; Indiana, 5; Kentucky, 1; Louisiana, 10; Maryland, 1; Mississippi, 2; Missouri, 6; Nebraska, 1; New York, 4; North Carolina, 5; Ohio, 1; Oregon, 1; Pennsylvania, 1; South Carolina, 4; Tennessee, 1; Texas, 5; Virginia, 2;—Territories: Arizona, 1; District of Columbia, 3; Indian Territory, 1. Of this number all were males; 42 were whites, 40 negroes, and 1 Chinaman. The *lynchings* reported numbered 133, and were thus distributed—States: Alabama, 6; Arkansas, 4; California, 2; Colorado, 3; Connecticut, 1; Florida, 9; Georgia, 6; Illinois, 1; Indiana, 8; Kansas, 5; Kentucky, 8; Louisiana, 6; Maryland, 1; Mississippi, 17; Missouri, 4; Nebraska, 3; New Jersey, 1; North Carolina, 2; Ohio, 2; South Carolina, 3; Tennessee, 8; Texas, 17; Virginia, 2; West Virginia, 3;—Territories: Washington, 1; Indian Territory, 10. Of these 131 were males, 2 females; 62 whites and 71 negroes. To summarise—

Number of murders and homicides, .	1499
Number of lynchings, ...	133
Total, . . .	1632
Add: number of legal executions, .	83
	1715

These figures do not, however, limit the number of murderers; and it has to be remembered that the number engaged in lynchings may be quite numerous, and each lyncher should perhaps be numbered as a murderer. But they show that only a small percentage of those who take life are hanged, hanging being the form of legal execution.

In the 12th Annual Report (1886) of the New York Society for the Suppression of Vice, a statement is given as compiled from newspaper accounts (pasted in a scrap-book) of youth, 21 years or under, arrested. It is necessarily imperfect. It does not include 4 youths arrested for prize-fighting, 4 bigamists, 12 girl prostitutes, 7 bands of boy bandits, and 74 girls abducted for criminal purposes. In the 13th Annual Report (1887) the figures added for 1886 do not include 110 runaways, scalp-hunters, to fight Indians, &c.; 17 for intoxication, 3 gamblers, 48 for assault, 3 for bigamy, 3 for blackmail, and 46 girls for prostitution.

	Murder.	Attempted Murder.	Burglary.	Highway Robbery.	Grand Larceny.	Larceny.	Forgery.	Arson.	Manslaughter.	Counterfeiting.	Train-Wrecking.	Mail Robbery.	Conspiracy to Kill.	Pickpockets.	Suicide.	Attempted Suicide.	Youth Murdered.
1882	18	50	100	32	35	99	5	5	2	2	4	2	2	6	16	12	11*
1883	24	86	80	38	22	70	9	4	..	..	4	2	..	9	21	18	..
1884	74	104	171	84	72	230	18	4	2	5	3	4	..	8	37	24	51†
1885	45	136	146	81	120	198	12	13	..	6	1	9	..	14	46	27	62†
1886	41	115	64	31	55	88	10	4	..	3	3	..	..	6	29	20	..

* Six months only. † One year.

The number of suicides during the census year (1880) was (*vide* vol. ii. 'Mortality and Vital Statistics,' Part I.) as follows :—

By shooting—	
Males, . . .	433
Females, . . .	39
By drowning—	
Males, . . .	94
Females, . . .	60
By poisoning—	
Males, . . .	218
Females, . . .	117
Suicides by other means—	
Males, . . .	1269
Females, . . .	281
	2511

J. N. Whitney, Esq., acting chief of the Bureau of Statistics of Washington, District of Columbia, has kindly drawn the writer's attention to an article translated from 'L'Eco d'Italia,' appearing in 'Public Opinion' (a paper published in Washington and New York) of 5th February 1887, in which the ratio of suicides in every 1,000,000 of inhabitants in the following countries is stated to be: in Denmark, 280; in Switzerland, 202; in France, 156; in Germany, 148; in the United States, 143; in Australia, 105; in Austria, 96; in Norway and Sweden, 81; in Belgium, 71; in Great Britain, 56; in Italy, 37; in Russia, 25; in Spain, 14.

The defective, dependent, and delinquent classes in the United States, according to the figures of a report made by a special agent of the tenth census, submitted by the Secretary of the Interior to Congress in July 1886, are shortly these: The total number of prisoners contained in jails, workhouses, and penitentiaries, &c., in 1880 was 58,509, of whom 53,604 were males and 5005 females; 45,802 natives and 12,807 foreigners; 41,861 whites and 16,748 coloured. The number of prisoners was 1059 to every 1,000,000 of population; while in 1870 it was 853. The number of insane was, in 1880, 91,959, or 1833 to every 1,000,000 of population. The number of idiots reported as receiving special training was 809; and the idiotic class had increased from 24,527 in 1870 to 76,805 in 1880. The total number of blind in 1880 was 48,928, or 973 to every 1,000,000 of population. The number of blind reported as receiving instruction was 4691.

Population of the United States, compiled from Census Reports of 1880.

States and Territories.	Population by Races.						Voting Population.			
							White.			Coloured.
	Total Population. Census 1880.	White. 1880.	Coloured. 1880.	Chinese 1880.	Japanese, 1880.	Indians Civilised or Taxed. 1880.	Total.	Native.	Foreign born.	
1. Alabama	1,262,505	662,185	600,494	4	..	214	141,461	136,678	5,403	118,423
2. Arizona	40,440	33,160	155	1,632	2	3,403	18,846	9,586	8,856	2,552
3. Arkansas	802,525	591,531	210,666	148	..	195	136,150	129,675	6,475	46,827
4. California	864,694	707,181	6,018	75,218	86	10,617	262,888	145,999	127,874	60,869
5. Colorado	194,327	191,426	2,435	612	..	154	93,988	68,215	26,873	1,520
6. Connecticut	622,700	610,769	11,547	120	9	255	178,750	118,747	56,012	3,642
7. Dakota	135,177	133,147	401	238	..	1,391	50,882	25,476	25,186	641
8. Delaware	146,608	120,159	26,442	14	..	3	31,602	27,447	4,456	6,326
9. District of Columbia	177,624	118,006	59,596	17	4	5	31,955	23,764	8,191	13,918
10. Florida	269,493	142,605	126,530	18	..	180	34,810	30,951	3,859	27,489
11. Georgia	1,542,180	816,906	725,128	17	..	124	177,907	172,044	5,923	148,471
12. Idaho	32,610	29,013	53	3,019	..	105	11,600	7,831	4,338	3,126
13. Illinois	3,077,871	3,051,151	46,368	242	5	140	782,161	505,272	277,889	13,691
14. Indiana	1,978,301	1,926,788	59,228	79	..	210	487,408	414,252	73,446	10,779
15. Iowa	1,624,615	1,614,600	9,516	33	..	166	413,933	287,730	126,103	3,025
16. Kansas	996,096	952,155	43,107	19	..	815	254,949	201,554	53,595	10,765
17. Kentucky	1,648,690	1,377,179	271,451	10	..	50	317,579	287,362	30,217	58,642
18. Louisiana	939,946	454,954	483,655	489	..	848	108,810	81,777	27,033	107,977
19. Maine	648,936	646,872	1,461	8	..	595	180,959	164,173	22,486	664
20. Maryland	934,943	724,693	210,240	5	..	15	189,522	144,686	38,936	48,584
21. Massachusetts	1,783,085	1,763,782	18,497	237	5	330	490,652	320,662	170,030	5,056
22. Michigan	1,636,937	1,614,569	15,100	28	1	7,240	461,357	285,169	176,188	6,130
23. Minnesota	780,773	779,884	1,564	25	1	2,299	242,899	88,022	153,777	1,080
24. Mississippi	1,131,597	479,398	650,294	54	..	1,851	108,764	102,580	5,674	130,278
25. Missouri	2,168,380	2,022,825	145,550	91	..	115	508,165	396,622	111,543	35,042
26. Montana	39,159	37,385	346	1,765	..	1,663	19,036	12,162	7,474	1,308
27. Nebraska	452,402	449,764	2,385	18	..	235	128,198	83,354	44,844	844
28. Nevada	62,266	53,556	488	7,419	5	2,803	25,053	13,442	11,191	5,622
Carry forward	25,994,880	22,154,326	3,708,466	88,847	144	42,251	5,859,297	4,273,346	1,585,951	873,152

POPULATION OF THE UNITED STATES, COMPILED FROM CENSUS REPORTS OF 1880—*continued.*

STATES AND TERRITORIES.	POPULATION BY RACES.						VOTING POPULATION.			
	Total Population, Census 1880.	White, 1880.	Coloured, 1880.	Chinese 1880.	Japanese, 1880.	Indians Civilised or Taxed, 1880.	White.			Coloured.
							Total.	Native.	Foreign born.	
Brought forward . .	25,994,880	22,154,326	3,708,466	88,837	114	42,251	5,859,297	4,273,346	1,585,951	873,452
29. New Hampshire . . .	346,991	346,229	685	14	..	63	104,901	88,790	16,111	237
30. New Jersey	1,131,116	1,092,017	38,853	172	2	74	289,965	190,656	99,309	10,670
31. New Mexico	119,565	108,721	1,015	57	..	9,772	30,981	26,423	4,558	3,095
32. New York	5,082,871	5,016,022	65,104	926	17	819	1,388,692	852,094	536,598	20,059
33. North Carolina . .	1,399,750	867,242	531,277	1	1	1,230	189,732	187,637	2,095	105,018
34. Ohio	3,198,062	3,117,920	79,900	112	3	130	804,871	613,485	191,386	21,706
35. Oregon	174,768	163,075	487	9,512	2	1,694	51,636	38,006	13,630	7,993
36. Pennsylvania	4,282,891	4,197,016	85,535	156	8	184	1,070,392	797,532	272,860	23,892
37. Rhode Island . . .	276,531	269,939	6,488	27	..	77	75,012	47,904	27,108	1,886
38. South Carolina . .	995,577	391,105	604,332	9	..	131	86,900	82,910	3,990	118,889
39. Tennessee	1,542,359	1,138,831	403,151	25	..	352	250,055	240,939	9,116	80,250
40. Texas	1,591,749	1,197,237	393,384	136	..	992	301,737	246,018	55,719	78,639
41. Utah	143,963	142,423	232	501	..	807	32,078	13,795	18,283	695
42. Vermont	332,286	331,218	1,057	..	..	11	95,307	77,774	17,533	314
43. Virginia	1,512,565	880,858	631,616	6	..	85	206,248	198,277	7,971	128,257
44. Washington Territory .	75,116	67,199	325	3,187	1	4,405	24,251	15,858	8,393	3,419
45. West Virginia . . .	618,457	592,537	25,886	5	..	29	132,777	123,569	9,208	6,384
46. Wisconsin	1,315,497	1,309,618	2,702	16	..	3,161	338,932	149,463	189,469	1,550
47. Wyoming	20,789	19,437	298	914	..	140	9,241	6,042	3,199	939
Total United States . .	50,155,783	43,402,970	6,580,793	105,613	148	66,407	11,343,005	8,270,518	3,072,487	1,487,344

Alaska and the Indian territory are not included in the preceding table, as they were not organised when the census of 1880 was taken. The population of Alaska was then 30,178, mostly natives. The population of the Indian territory was estimated at 70,000. Indians not taxed are excluded by law from the census. The estimated number in 1880 was about 245,000, excluding Alaska.

The whole population of the United States in 1880 was estimated by Mr Spofford at 50,500,000; and it is estimated to have been at the beginning of 1887, 59,000,000.

In 1880 there were—

Males	25,518,820
Females	24,636,963
Native	43,475,840
Foreign-born	6,679,943

Later State and Territorial Censuses.

		Census 1880.
In 1884—		
Michigan	1,856,100	1,636,937
In 1885—		
Dakota	415,610	135,177
Florida	342,551	269,493
Iowa	1,753,980	1,624,615
Kansas	1,268,562	996,096
Massachusetts	1,941,465	1,783,085
Minnesota	1,117,798	780,773
Nebraska	740,645	452,402
New Jersey	1,278,033	1,131,116
Rhode Island	304,284	276,531
Washington Territory	129,438	75,116
Wisconsin	1,563,423	1,315,497

Places of Nativity of the Foreign-Born Inhabitants of the United States. Census of 1880.

Germany	1,966,742	Russia	35,722
Ireland	1,854,571	Belgium	15,535
British America	717,084	Luxemburg	12,836
England	662,676	Hungary	11,526
Sweden	194,337	West Indies	9,484
Norway	181,729	Portugal	8,138
Scotland	170,136	Cuba	6,917
France	106,971	Spain	5,121
China	104,467	Australia	4,906
Switzerland	88,621	South America	4,566
Bohemia	85,361	India	1,707
Wales	83,302	Turkey	1,205
Mexico	68,399	Sandwich Islands	1,147
Denmark	64,196	Greece	776
Holland	58,090	Central America	707
Poland	48,557	Japan	401
Italy	44,230	Malta	305
Austria	39,663	Greenland	129

In 1870 the total population of the United States was 38,558,371, of whom 33,592,245 were white and 4,886,387 coloured; while in 1880 it was 50,155,783, of whom 43,402,970 were white, 6,580,793 coloured, 105,613 Chinese, and 66,407 civilised or taxed Indians. Thus, during the ten years, 1870 to 1880, the increase in the population of the United States was 11,597,412. The increase of the white population

was 29.20 per cent, that of the coloured 34.67 per cent, so that notwithstanding the enormous white "immigration," the "natural increase" of the coloured population greatly exceeded the white increase, including immigration. It has been calculated that the "natural increase" of whites is at the rate of 2 per cent, while the "natural increase" of the coloured is $3\frac{1}{2}$ per cent. From this it would appear that before many years elapse the coloured citizens will overwhelmingly outnumber the white, and, probably, ultimately absorb the white, in certain southern states—Alabama, Louisiana, Mississippi, North Carolina, South Carolina, Georgia, and Florida, and possibly other states. There is no knowing what complications may arise in the future—a not very remote future—through this excess of three-sevenths of coloured over white "natural increase." The mixture of black and white blood will take place to a certain extent, but only to a certain extent. What is to become of the superabundant coloured people in course of time? The whites will be forced to keep the tide of coloured emigration from coming north; and what will become of the Republican Institutions?

THE OCCUPATIONS OF THE PEOPLE.

STATES AND TERRITORIES.	Whole Population (Years and over).	Engaged in all Kinds of Occupations.	Engaged in Agriculture.	Engaged in Professional and Personal Service.	Engaged in Trades and Transportation.	Engaged in Manufacturing, Mechanical Trades, and Mining.
1. Alabama	551,780	402,790	[illegible]	72,211	16,953	22,906
2. Arizona	32,032	22,271	[illegible]	3,210	3,352	7,374
3. Arkansas	501,870	366,892	210,055	22,436	9,263	11,338
4. California	681,909	478,503	79,008	121,435	57,992	118,282
5. Colorado	178,179	101,764	13,032	24,813	15,491	47,408
6. Connecticut	407,008	241,645	44,026	51,206	29,920	116,091
7. Dakota	99,849	57,844	28,005	14,010	6,219	9,101
8. Delaware	140,866	84,580	17,849	17,016	4,967	14,148
9. District of Columbia	150,907	99,024	1,444	59,075	9,848	15,337
10. Florida	184,009	91,616	58,734	17,923	6,440	8,436
11. Georgia	1,045,840	547,884	342,244	104,260	25,222	56,167
12. Idaho	25,005	15,078	3,528	3,801	1,327	6,532
13. Illinois	2,260,015	999,753	426,371	229,407	128,372	205,570
14. Indiana	1,478,005	685,699	391,240	147,281	80,478	110,127
15. Iowa	1,181,641	528,302	305,557	113,982	50,872	62,941
16. Kansas	704,297	321,286	200,080	53,507	26,376	36,319
17. Kentucky	1,168,498	519,854	320,571	104,239	33,563	61,481
18. Louisiana	633,070	503,278	297,500	98,111	29,130	30,681
19. Maine	519,069	234,096	82,189	47,411	29,790	72,662
20. Maryland	695,364	324,432	90,927	98,034	49,234	85,337
21. Massachusetts	1,482,189	729,774	64,973	170,160	115,376	370,265
22. Michigan	1,236,686	560,204	240,319	143,249	54,723	130,913
23. Minnesota	559,977	255,127	131,585	59,432	24,349	39,789
24. Mississippi	753,693	415,506	330,988	49,448	12,975	13,145
25. Missouri	1,357,091	692,809	355,297	148,588	79,360	109,774
26. Montana	31,989	22,255	4,513	6,964	2,766	8,022
27. Nebraska	318,271	152,614	90,507	28,746	15,106	18,255
28. Nevada	50,668	32,283	4,180	10,373	4,449	13,231
29. New Hampshire	286,188	142,408	44,490	28,206	11,735	58,037
30. New Jersey	865,591	393,879	59,214	110,722	66,382	160,561
31. New Mexico	87,966	40,822	14,139	19,042	3,264	4,377
32. New York	3,981,428	1,884,645	377,460	537,891	339,419	629,869
33. North Carolina	959,051	480,187	360,867	69,321	15,966	33,963
34. Ohio	2,399,367	994,475	397,495	250,371	104,315	242,294
35. Oregon	130,565	67,343	27,091	16,645	6,149	17,458
36. Pennsylvania	3,203,215	1,456,067	301,112	446,713	179,965	528,277
37. Rhode Island	220,461	116,979	10,945	24,657	15,217	66,160
38. South Carolina	667,456	392,102	294,602	64,246	13,556	19,698
39. Tennessee	1,062,130	447,970	294,153	94,107	23,628	36,082
40. Texas	1,064,196	522,133	359,317	97,561	34,909	30,346
41. Utah	97,194	40,055	14,550	11,144	4,149	10,212
42. Vermont	264,052	118,584	55,251	28,174	8,945	26,214
43. Virginia	1,059,034	494,240	254,099	146,664	30,418	63,059
44. Washington	55,720	30,122	12,781	6,640	3,405	7,296
45. West Virginia,	428,587	176,199	107,578	31,680	10,653	26,288
46. Wisconsin	965,712	417,455	195,901	97,494	37,550	86,510
47. Wyoming	16,479	8,884	1,639	4,011	1,545	1,689
U. S. Total, 1880	36,761,607	17,392,099	7,670,493	4,074,238	1,810,256	3,837,112
U. S. Total, 1870	28,228,945	12,505,923	5,922,471	2,684,793	1,191,238	2,707,421

Classes, 1880.	Persons occupied.	Age and Sex.							
		All Ages.		10 to 15.		16 to 59.		60 and over.	
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Agriculture . . .	7,670,493	7,075,983	594,510	584,867	135,862	5,888,133	435,920	602,983	22,728
Professional and personal services	4,074,238	2,712,943	1,361,295	127,565	107,830	2,446,962	1,215,189	138,416	38,276
Trade and transportation	1,810,256	1,750,892	59,364	26,078	2,547	1,672,171	54,849	52,643	1,968
Manufactures, mechanical and mining	3,837,112	3,205,124	631,988	86,677	46,930	2,978,845	577,157	139,602	7,901
All occupations . .	17,392,099	14,744,942	2,647,157	825,187	293,169	12,986,111	2,283,115	933,644	70,873

According to the figures in 'The World (New York) Almanac' for 1887, the number of immigrants arriving in the United States was in 1880, 457,257; in 1881, 669,431; in 1882, 788,992; in 1883, 603,322; in 1884, 518,592; in 1885, 395,346; in 1886, 334,203. Of those who arrived during the year ending 30th June 1886, there came through the New York customs district 266,370; through Boston, 25,046; through Philadelphia, 20,822: 84,403 were German; 49,619 Irish; 50,803 English; 12,126 Scotch; 27,751 Swedish; 21,315 Italian; 12,359 Norwegian; 6225 Danish; 4805 Swiss; 3318 French; 55,404 Europeans not classified; all others, 5668. There seems not to be perfect accuracy in these figures, but they serve to indicate the sources from which this conglomerate nation is deriving its strains of blood. During some years the Irish headed the list; but now the tide of immigration is strong from other countries, and the Irish strain is a much smaller percentage. Of course the annual fluctuations in the numbers from the respective foreign countries may be considerable.

Statistics of Illiteracy Census of 1880.

Persons of 10 years and upwards.		Unable to Read.	Per cent.	Unable to Write.	Per cent.
Whole population .	36,761,607	4,923,451	13.4	6,239,958	17.0
Native whites . .	25,785,789	...	...	2,255,460	8.7
Foreign-born whites .	6,374,611	...	...	763,620	12.0
Coloured . . .	4,601,207	...	...	3,220,878	70.0

The following table is compiled from the census of 1880 and the reports of the Commissioner of Education for the year 1883-84; and readers should, in comparing the figures, not forget that the population was in 1883-84 larger than in 1880:—

States and Territories.	Number who cannot Read, aged ten and over, 1880.	Aggregate White and Coloured who cannot Write, 1880.	Number who cannot Write, aged ten and over, 1880.		School Age, 1883-84.	School Population, 1883-84.	Number enrolled in Public Schools, 1883-84.
			Native Whites.	Foreign Whites.			
1. Alabama	370,279	[illegible]	111,040	727	7.21	419,764	215,578
2. Alaska	..	..	..	..	..	..	..
3. Arizona Ter.	5,440	5,849	1,225	3,590	6.21	9,376	4,516
4. Arkansas	153,229	202,015	97,909	559	6.21	316,356	153,216
5. California	48,881	58,430	7,930	18,436	5.17	236,072	179,801
6. Colorado	9,351	10,474	8,373	1,538	6.21	56,242	37,872
7. Connecticut	29,088	28,424	3,728	23,035	4.16	150,601	128,280
8. Dakota Ter.	4,561	4,821	934	3,224	7.20	77,489	50,031
9. Delaware	16,912	19,414	6,030	1,710	6.21	*b c* 40,569	31,263
10. District of Columbia	21,541	25,778	1,950	2,038	*i* 6.17	*g* 43,557	*h* 27,299
11. Florida	70,219	80,184	19,024	709	6.21	*a* 66,798	*e* 58,311
12. Georgia	440,084	520,416	128,902	572	6.18	*f* 508,187	287,411
13. Idaho Ter.	1,954	1,778	440	344	5.21	13,140	8,287
14. Illinois	90,809	145,597	88,510	45,007	6.21	1,069,274	728,681
15. Indiana	70,065	110,761	87,786	12,612	6.21	722,851	501,142
16. Iowa	28,117	46,609	23,091	20,677	*a* 5.21	*a* 664,750	*a* 406,947
17. Kansas	25,661	39,476	17,825	7,003	5.21	411,250	303,604
18. Kentucky	258,186	348,302	208,796	6,704	6.20	*g* 571,793	*d h* 328,440
19. Louisiana	297,312	318,180	50,294	5,000	*i* 6.18	*g* 231,042	79,018
20. Maine	18,181	22,170	8,775	12,983	4.21	213,524	146,316
21. Maryland	111,387	134,488	86,827	8,284	5.20	295,215	177,393
22. Massachusetts	75,435	92,089	6,913	58,725	5.15	336,195	342,012
23. Michigan	47,112	65,723	19,981	38,941	5.20	577,063	404,966
24. Minnesota	20,551	34,446	5,671	27,895	5.21	339,366	223,209
25. Mississippi	315,612	373,201	52,910	538	5.21	447,571	266,996
26. Missouri	188,818	268,734	137,949	14,561	6.20	785,122	527,452
27. Montana Ter.	1,330	1,707	372	359	4.21	15,082	8,118
28. Nebraska	7,830	11,528	5,102	5,824	5.21	209,436	137,618
29. Nevada	3,703	4,069	240	1,675	6.18	9,593	7,868
30. New Hampshire	11,982	14,302	2,710	11,498	5.15	*g* 60,899	64,654
31. New Jersey	39,136	53,249	20,693	23,956	*j* 5.18	*j* 349,242	*j* 211,905
32. New Mexico Ter.	52,394	57,156	46,329	3,268	7.18	*g* 29,255	*g* 4,755
33. New York	166,625	219,660	59,516	148,659	5.21	1,702,967	1,000,057
34. North Carolina	367,890	469,975	191,913	119	6.21	504,281	278,298
35. Ohio	86,754	131,847	83,183	32,308	6.21	1,082,295	762,755
36. Oregon	5,376	7,423	3,423	910	4.20	75,807	43,157
37. Pennsylvania	146,138	228,014	123,206	86,775	6.21	*g* 1,422,377	966,039
38. Rhode Island	17,456	24,793	4,261	19,283	*i* 5.15	58,858	*k* 49,255
39. South Carolina	321,780	369,848	59,415	362	6.16	*g* 262,279	185,619
40. Tennessee	294,385	410,722	214,994	1,233	6.21	*e* 571,829	350,143
41. Texas	256,223	316,432	97,498	26,414	8.16	311,134	244,895
42. Utah Ter.	4,851	8,826	3,183	4,954	6.18	48,889	29,325
43. Vermont	12,993	15,837	5,354	10,327	5.20	*g* 99,463	73,283
44. Virginia	360,495	430,552	113,915	777	5.21	555,807	288,030
45. Washington Ter.	3,191	3,889	895	534	6.21	31,599	22,341
46. West Virginia	52,041	85,376	72,826	2,411	6.21	228,185	166,272
47. Wisconsin	38,693	55,558	11,494	42,759	4.20	528,750	316,969
48. Wyoming Ter.	427	556	177	197	7.21	*g* 4,112	*g* 2,907
Indians—							
Cherokees	..	..	..	..	..	*j* 5,000	4,798
Chickasaws	..	..	..	..	..	*j* 1,000	449
Choctaws	..	..	..	..	..	*j* 3,000	1,163
Creeks	..	..	..	..	..	*j* 2,000	1,200
Seminoles	..	..	..	..	..	*j* 450	252
Total	4,923,451	6,239,958	2,255,460	763,620		16,794,402	10,738,192

a, In 1882; *b*, estimated; *c*, not including coloured children in Wilmington; *d*, for white schools only; *e*, no report from three counties; *f*, State census of 1882; *g*, U.S. census of 1880; *h*, in 1881; *i*, inclusive; *j*, in 1882-83; *k*, includes evening school reports.

UNIVERSITIES AND COLLEGES IN THE UNITED STATES (prepared by the Commissioner of Education. The Statistics are for 1884-85, the latest reported).

STATES AND TERRITORIES.	No. of Colleges.	Preparatory Department.		Collegiate Department.		Income from Productive Funds.	Receipts last year from Tuition Fees.	Volumes in College Libraries.	Value of Grounds, Buildings, and Apparatus.
		No. of Instructors.	No. of Students.	No. of Instructors.	No. of Students.				
						$	$	$	$
Alabama	4	1	160	58	463	24,000	8,500	17,000	370,000
Arkansas	5	11	633	22	236	11,150	6,200	4,133	309,000
California	11	24	1,397	150	1,283	106,400	34,000	59,725	1,435,000
Colorado	3	7	177	19	110	3,000	1,512	9,800	295,828
Connecticut	3	..	..	75	924	91,209	117,341	178,000	1,409,630
Delaware	1	..	..	6	58	4,980	830	..	60,000
Florida	1	..	44	9	65	2,600	700	1,500	15,000
Georgia	7	14	282	47	580	36,180	8,800	40,561	955,500
Illinois	27	57	2,503	246	1,980	110,212	164,110	119,732	2,544,897
Indiana	14	25	1,308	142	1,763	36,715	16,636	81,490	1,161,000
Iowa	20	34	2,235	179	1,288	43,743	71,299	71,935	1,511,500
Kansas	9	44	1,352	72	621	22,325	83,970	34,350	695,000
Kentucky	14	41	888	93	1,212	52,343	58,986	248,606	825,500
Louisiana	10	53	1,215	84	622	89,556	32,600	58,200	733,250
Maine	3	..	..	32	354	49,170	20,716	62,378	300,000
Maryland	10	29	432	149	871	220,777	23,833	80,300	1,101,286
Massachusetts	7	3	272	168	2,134	909,545	222,828	313,835	1,686,000
Michigan	8	24	979	131	1,324	81,342	100,246	95,425	1,550,531
Minnesota	5	7	598	73	349	42,741	13,876	29,640	531,231
Mississippi	3	5	494	23	269	33,879	6,866	11,000	475,000
Missouri	18	45	1,503	176	1,352	94,666	81,683	86,668	2,692,000
Nebraska	6	18	659	63	433	18,960	10,524	15,379	434,000
Nevada	1	2	33	..	..	..	..	..	..
New Hampshire	1	..	..	15	232	30,000	14,000	55,000	100,000
New Jersey	3	..	..	61	622	100,500	20,910	75,000	1,200,000
New York	27	110	2,660	439	3,513	582,783	587,943	338,426	8,618,548
North Carolina	10	21	664	73	694	21,110	21,510	38,400	743,500
Ohio	33	125	3,424	337	2,960	219,390	123,637	194,946	3,537,867
Oregon	7	16	812	29	105	19,850	16,000	10,730	374,000
Pennsylvania	27	71	1,888	337	2,480	340,376	151,877	186,336	5,110,449
Rhode Island	1	..	..	22	240	39,919	22,172	62,764	600,000
South Carolina	9	18	596	58	501	26,800	7,600	52,550	189,600
Tennessee	18	45	2,022	140	1,299	109,610	54,078	71,609	1,654,289
Texas	9	24	786	68	762	125,552	40,300	12,926	180,000
Vermont	2	..	..	12	160	23,130	3,658	37,000	345,000
Virginia	7	5	123	80	995	47,206	28,767	87,150	1,635,000
West Virginia	2	4	49	18	63	6,348	600	7,000	275,000
Wisconsin	8	26	710	105	615	67,724	64,966	54,855	913,700
Dakota	2	3	172	11	20	..	..	730	105,000
District of Columbia	5	1	62	54	415	66,454	10,589	44,600	1,150,000
Montana	1	2	46	10	21	2,500	2,500	150	50,000
Utah	1	4	..	7	368	..	6,455	3,033	70,000
Washington	2	5	193	19	21	800	6,900	3,656	136,000
TOTAL	365	924	31,351	3,912	34,377	3,915,545	2,270,518	2,956,528	48,479,200

UNIVERSITIES AND COLLEGES IN THE UNITED STATES, from 1874 to 1884-85 inclusive. Aggregate number, with Instructors and Students, as reported to the Bureau. (Prepared by the Commissioner of Education.)

No. of	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883-84.	1884-85.
Institutions	343	355	356	351	358	364	364	362	365	370	369
Instructors	3,785	3,992	3,920	3,898	3,855	4,231	4,160	4,361	4,413	4,644	4,836
Students	56,692	58,894	56,481	57,334	57,987	60,011	59,594	62,435	64,096	65,522	65,728

THEOLOGICAL SEMINARIES IN THE UNITED STATES IN 1883-84.

(Prepared by the Commissioner of Education, taken from Mr Spofford's 'American Almanac.')

DENOMINATION.	No. of Seminaries.	No. of Professors.	No. of Students.
1. Roman Catholics	19	156	1214
2. Baptist	19	96	847
3. Evangelical Lutheran	17	55	620
4. Presbyterian	15	86	595
5. Methodist Episcopal	13	59	548
6. Congregational	12	76	392
7. Protestant Episcopal	12	57	223
8. Christian	5	23	131
9. Reformed	4	11	50
10. Universalist	3	21	55
11. Non-sectarian	3	18	81
12. Methodist Episcopal, South	3	8	159
13. United Presbyterian	3	8	56
14. Methodist Protestant	2	16	33
15. Free Will Baptist	2	8	64
16. New Church	2	8	11
17. German Methodist Episcopal	2	5	31
18. African Methodist Episcopal	2	2	..
19. Unitarian	1	7	20
20. Reformed (Dutch)	1	6	28
21. Cumberland Presbyterian	1	6	27
22. United Brethren	1	4	32
23. Moravian	1	4	20
24. Wesleyan	1	4	12
25. Old School Presbyterian, South	1	3	30
26. Evangelical Association	1	3	11
TOTAL	146	750	5290

Religious Denominations of the United States.

(From Mr Spofford's 'American Almanac,' with revision according to later Statistics, as in the 'World (New York) Almanac' for 1887.)

Denominations.	Churches.	Ministers.	Members.
1. Adventist, Second	800	600	70,000
2. Adventist, Seventh Day	640	144	15,570
3. Baptist	26,060	16,596	2,296,327
4. Baptist, Anti-Mission	900	400	40,000
5. Baptist, Free Will	1,432	1,213	78,012
6. Baptist, Seventh Day	94	110	8,539
7. Baptist, Six-Principle	20	12	2,000
8. Christian (Disciples of Christ)	5,100	3,782	591,821
9. Congregational	3,804	3,713	381,697
10. Dunkards (the Brethren)	250	200	100,000
11. Episcopal, Protestant	3,013	3,725	398,990
12. Episcopal, Reformed	..	100	9,448
13. Evangelic Association	1,576	1,545	117,027
14. Friends	392	200	60,000
15. Jews	269	202	13,683
16. Lutheran	5,553	3,132	950,868
17. Mennonite	300	350	50,000
18. Methodist, Episcopal	17,935	24,658	1,724,420
19. Methodist, Episcopal (South)	..	11,703	860,687
20. Methodist Episcopal, African	..	1,738	387,566
21. Methodist Episcopal, African Zion	..	1,800	300,000
22. Methodist Episcopal, Coloured	..	638	112,938
23. Methodist, Free	..	260	12,318
24. Methodist, Congregational	..	225	13,750
25. Methodist, Primitive	..	52	3,369
26. Methodist, Protestant	..	1,385	135,000
27. Methodist, Welsh Calvinistic	1,134	600	118,979
28. Methodist, Wesleyan	..	400	17,087
29. Moravian	84	94	9,491
30. Mormon	654	3,906	110,377
31. New Jerusalem (Swedenborgian)	93	89	3,994
32. Presbyterian	5,858	5,218	600,695
33. Presbyterian (South)	2,010	1,081	123,806
34. Presbyterian (Cumberland)	2,457	1,386	111,863
35. Presbyterian, Reformed	167	143	17,273
36. Presbyterian, United	826	719	84,573
37. Reformed Church (late Dutch)	509	545	80,167
38. Reformed Church (late German)	1,405	748	155,857
39. Roman Catholic	6,241	6,546	*
40. Shaker	18	68	2,400
41. Unitarian, Congregational	335	394	17,960
42. United Brethren in Christ	4,524	2,196	157,835
43. Universalist	956	729	27,429
44. Winebrennerians (Church of God)	400	350	30,000
	27,651	103,695	10,403,826

* According to Roman Catholic publications there are 6,832,954 adherents of that faith in the United States, though membership is not reported, which, added to the above, would make the total number of members 17,236,780.

Newspapers and Periodicals in the United States, 1880-85.

States and Territories.	Total Number of Periodicals, 1880.	Total Number of Dailies, 1880.	Total Circulation of Dailies, 1880.	Total Number of Weeklies, 1880.	Total Circulation of Weeklies, 1880.	Total Number of Monthlies, 1880.	Total Circulation of Monthlies, 1880.	All other, 1880.	Aggregate Circulation, all Classes, 1880.	Total Number of Periodicals, 1885. (Rowell.)
1. Alabama	129	7	9,600	111	69,603	8	7,510	3	86,813	137
2. Arizona	17	1	2,800	11	10,510	..	..	..	14,350	34
3. Arkansas	120	6	5,430	107	86,691	2	500	5	92,621	141
4. California	864	59	178,864	284	398,947	32	94,000	19	671,811	405
5. Colorado	93	29	28,025	60	64,404	4	8,900	1	101,329	149
6. Connecticut	140	17	46,440	109	167,860	14	20,240	9	233,240	155
7. Dakota	68	9	4,500	57	33,343	..	..	..	37,843	286
8. Delaware	26	5	18,800	20	17,025	1	1,000	..	36,925	32
9. District of Columbia	44	5	34,000	23	102,232	15	71,791	1	202,023	60
10. Florida	45	3	2,875	40	24,208	..	..	2	27,007	96
11. Georgia	200	16	26,040	163	242,401	11	19,200	10	291,681	215
12. Idaho	8	..	..	7	5,000	..	..	1	5,000	23
13. Illinois	1,052	75	270,183	771	1,728,497	190	447,180	66	2,445,960	1,086
14. Indiana	478	49	78,387	404	474,647	24	48,250	10	601,284	559
15. Indian Territory	3	..	..	3	4,300	..	..	..	4,300	7
16. Iowa	579	36	68,576	511	404,730	30	92,100	8	565,408	687
17. Kansas	349	21	23,051	311	199,015	15	48,000	2	290,064	478
18. Kentucky	213	11	32,416	169	99,417	24	29,338	9	402,070	204
19. Louisiana	112	15	38,766	24	95,115	2	960	3	134,880	118
20. Maine	124	12	18,940	92	109,462	17	1,438,200	3	1,218,572	136
21. Maryland	144	15	107,483	112	236,021	12	20,160	5	387,594	174
22. Massachusetts	472	39	280,300	283	1,006,106	81	562,313	29	1,938,818	531
23. Michigan	469	33	64,389	401	360,078	19	33,285	16	662,749	562
24. Minnesota	224	10	28,203	206	147,561	6	25,150	2	321,074	304
25. Mississippi	123	5	4,200	110	77,004	2	6,100	6	87,304	127
26. Missouri	531	43	137,360	418	737,500	50	156,300	20	1,031,360	643
27. Montana	18	4	1,812	14	19,915	..	..	..	21,227	37
28. Nebraska	189	15	17,113	166	129,305	7	13,740	2	160,158	318
29. Nevada	37	14	16,805	22	11,090	1	500	..	28,395	30
30. New Hampshire	89	10	13,870	67	143,598	8	39,800	4	197,268	110
31. New Jersey	217	27	56,876	165	188,364	13	16,800	12	256,040	243
32. New Mexico	18	3	2,200	15	6,655	..	..	..	8,855	33
33. New York	1,412	116	999,048	891	5,528,056	283	2,871,391	122	9,398,495	1,547
34. North Carolina	140	13	7,534	112	89,126	7	8,186	8	104,846	145
35. Ohio	776	56	215,934	586	1,057,059	90	612,354	44	1,885,347	880
36. Oregon	74	7	11,070	59	59,918	6	10,090	2	81,078	79
37. Pennsylvania	985	100	598,627	679	3,321,376	162	1,597,340	44	5,517,343	1,098
38. Rhode Island	44	8	41,182	31	54,104	3	3,040	2	98,326	51
39. South Carolina	82	4	7,750	70	62,042	3	1,110	5	70,902	91
40. Tennessee	192	12	30,995	152	199,274	17	68,350	11	298,619	203
41. Texas	279	31	31,351	229	314,447	12	10,140	7	355,938	372
42. Utah	24	5	7,950	10	23,650	4	5,075	5	36,675	27
43. Vermont	82	5	4,300	72	75,042	3	51,500	2	130,842	73
44. Virginia	195	20	33,422	125	157,904	33	66,902	17	258,228	216
45. Washington	29	4	1,100	24	16,041	1	..	..	17,141	59
46. West Virginia	109	2	5,300	97	79,177	5	4,806	5	89,283	121
47. Wisconsin	340	21	34,100	283	375,530	20	36,762	16	446,392	397
48. Wyoming	10	3	1,986	7	3,700	..	..	..	5,686	15
United States	11,403	980	3,687,424	8,718	19,459,107	1,167	8,081,393	538	31,177,924	13,494

The judiciary in the several states consists of Courts of Record and of Inferior Courts not of Record. The number and the names of the courts vary. In some states the Court of Chancery has been done away with. There may be special courts for particular cities. The Court of Probate is variously styled—*e.g.*, "Court Ordinary," "Orphans' Court," or "Surrogate's Court."

In the State of New York there are the following Courts:—

I.—*Courts of Record.*

1. The Court for the trial of Impeachments.
2. The Court of Appeals.
3. The Supreme Court.
4. A Circuit Court in each county.
5. A Court of Oyer and Terminer in each county.
6. A Court of Common Pleas for the city and county of New York.
7. The Superior Court of the city of New York.
8. The Court of General Sessions of the Peace in and for the city and county of New York.
9. The Superior Court of Buffalo.
10. The City Court of Brooklyn.
11. The City Court of Long Island city.
12. The City Court of Yonkers.
13. A County Court in each county, except New York.
14. A Court of Sessions in each county, except New York.
15. The Marine Court of the city of New York.
16. The Mayor's Court of the city of Hudson.
17. The Recorder's Court of the city of Utica.
18. The Recorder's Court of the city of Oswego.
19. The Justices' Court of the city of Albany.
20. A Surrogate's Court in each county.

II.—*Courts not of Record.*

1. Courts of Justices of the Peace in each town, and in certain cities and villages.
2. Courts of special Sessions of the Peace in each town, and in certain cities and villages.
3. The District Courts in the city of New York.
4. The Police Courts in certain cities and villages.
5. The Justices' Court of the city of Troy.
6. The Municipal Court of the city of Rochester.

In the State of New Jersey there are the following courts:—

I.—*Courts of Record.*

1. Court of Impeachments.
2. Court of Pardons.
3. Court of Errors and Appeals.
4. Court of Chancery.
5. Prerogative Court.
6. Supreme Court.
7. Circuit Court in each county.
8. Court of Oyer and Terminer and general jail delivery in each county.
9. Court of General Quarter Sessions in each county.
10. Orphans' Court in each county.
11. District Courts in cities of 15,000 and more inhabitants.

II.—*Courts not of Record.*

1. Court of Common Pleas in each county.
2. Justices of the Peace Courts.

In addition to these courts, there are in each state the several courts of the United States, which are described in their proper place in this work.

The system of espionage in the United States is of various kinds, and it is very effective. It is doubtful if a better system exists in any other country; and considering the migratory habits, the influx of strangers and of foreigners, it is essential to the welfare of the community that the detective system should be well organised and wide-awake. But there are abuses. The town and village constables do not take high rank in the service, but help a little. The gossips of the community are also of assistance, and always can be relied upon to pry into every other person's

affairs, and to publish news of all kinds. There are state detectives, with headquarters here and there, and with members scouring the different towns, villages, cities, and counties. There are city detectives. There are numerous private detectives to be hired for particular jobs; and private detective agencies which supply detective services of all kinds —even armed men to serve as a guard, and to use their firearms on occasion. And not least of all there are the newspaper reporters, to be found in every nook and cranny, ever on the alert for something sensational—something to attract readers, give notoriety, and who cater for the craving for excitement and scandal and news of all sorts. There are swarms upon swarms of such detectives, both male and female. There is scarcely a limit to the devices employed to detect; and not infrequently the detective system—particularly the private detective system—is a means to black-mail, to trump up false charges, to bring about the ruin of innocent men or virtuous women, to obtain revenge, to manufacture evidence in divorce suits, to boycott, to effect other forms of devilry.

The facility with which individuals and public officials and the guardians of the inalienable rights of the people can be misled or got to forget decency or to tyrannise over those who are weaker or in their power is illustrated by the following example taken from 'The Daily Register,' an official law journal of the city and county of New York, of July 17, 1886, viz.:—

"The main point of interest in the same case, and one on which Judge Morse dissented, turns on the use of evidence obtained by a detective, who was introduced to the accused in the assumed character of a lawyer or attorney whom they were recommended to employ. The dissenting judge gives the following account of the transaction; and, assuming facts to be justly stated, his animadversions are certainly not too severe:

"As related by their own oaths, the scheme, worked out by agreement between the prosecuting attorney, sheriff, and one Matt. Pinkerton, a detective, was to keep away from the respondents in this case all attorneys; to introduce Pinkerton as a lawyer, get him employed by them, and then, as their pretended counsel, worm out a confession from one or both of them, and by a betrayal of their confidence use the confession in evidence to convict them. Acting upon this preconcerted scheme, the prosecuting attorney and sheriff kept a letter written by Marshall G. Barker to Howard & Roos, attorneys at Kalamazoo, and also refused Mr Roos an interview with the respondents when he came to Paw Paw for the purpose of seeing them. They also keep all other counsel from them until a letter from the circuit judge informs them that the Barkers are entitled and have the right to see attorneys of their own choice.

"A detective, passing under the name of Stearns, is sent by Pinkerton from Chicago to meet the prosecuting attorney and act under his direction. The prosecuting attorney swears in substance that this man Stearns, under his advice and direction, forged a note, and went to the bank and attempted to pass it. The prosecuting attorney then drafted a complaint, procured some one to verify it, and arrested Stearns for forgery, and placed him in jail, where he could have access to the respondent. Another detective, Matt. Pinkerton, then arrives upon the scene, ostensibly as the attorney employed to defend Stearns, and passing under the name of A. S. Trude, a prominent

lawyer of Chicago. The sheriff swears that he introduced Pinkerton to the Barkers as an attorney, and as A. S. Trude, from Chicago, in Paw Paw, for the purpose of defending Stearns against the pretended charge of forgery. And while he detains the letter written by Marshall to Howard & Roos, and prevents the Barkers seeing or employing counsel, he advises the respondents to employ Pinkerton, *alias* A. S. Trude, as their attorney, which advice they accept and follow. The detective Pinkerton, personating Trude, becomes their attorney, and thereby secures the faith and confidence of the accused. He, as their attorney, advises them what story each shall tell in order to get Marshall off with a light sentence and to acquit William of any offence whatsoever. He gains a confession from each of them in accordance with his theory, which he writes down. The whole object of this scheme was to obtain such a confession and then to use it against them, as admitted by the prosecuting attorney and sheriff. The sheriff very frankly says upon the witness-stand that 'Pinkerton was introduced there for the purpose of gaining the confidence of the Barkers by the representations he might make to them — the object was to get a confession from them;' that at the time he kept the letter from Marshall to Howard & Roos he did not want Barker 'to have an attorney until Pinkerton had got through his part with him.'

"When these confessions had been secured, the detective Stearns, who had been allowed the liberties of the jail upon a charge of forgery, was released and disappears. The Barkers are thereupon informed by the bogus Trude that Stearns was discharged in court because he had followed the advice of his attorney 'Trude.' While these respondents were thus confined in jail, denied the assistance or sight of counsel, save this pretender, by whom they were being deceived and betrayed into admissions of guilt, the officials heretofore named employed another party in the jail, who took into his possession notes and letters from Marshall to William and from Marshall to his wife and from William to Marshall, and handed them as received to the wife of the sheriff.

"The written confessions obtained by Pinkerton in his character of Attorney Trude were procured for the express purpose of being used as evidence upon the trial, and were offered by the prosecuting attorney after the circumstances of their procuration had been detailed in court. They were very properly ruled out by the court, the circuit judge evincing throughout the whole trial a very manifest disposition to give, as far as was in his power, these men a fair and impartial trial; yet I cannot but think that he committed a very grave error in admitting the notes and letters in the keeping of the sheriff's wife in evidence. It had the effect of, partially at least, carrying out the conspiracy of the detectives and officials against the lives and liberties of the respondents as well as against the law. These notes and letters were written many of them during the time Pinkerton was acting as the pretended but trusted attorney of the Barkers, who were blindly and implicitly following his advice. Others were written after his real character was known to them, and bore evidence upon their face of the great wrong that he had done them in his dual capacity of attorney and detective. Nearly every one of them was tainted with the poison of this vile conspiracy against their rights as citizens, unless it be held that the mere fact of arrest for crime shall make a man a felon and serve as an antidote against any and all wrongs

that may be perpetrated upon the accused before trial.

"The majority of the court, while approving the manner in which the Circuit Court disposed of the admission of the word confession, justified the admission of the exhibits as follows: These exhibits were written notes which the witness testified were handed to him by one of the respondents to be delivered to the other, and, instead of delivering them, the witness handed them to the sheriff or to his wife. The witness identified the exhibits, and they were offered in evidence. The objection was that the handwriting was not proven. The court ruled that 'whether the handwriting be proved or not is a question that is necessarily involved in the question as to whether these papers should be admitted in evidence. The witness states that he received them from the parties, and that he handed them to Mrs Todd. If he did so receive them, they are admissible in evidence, and whether he received them and handed them to Mrs Todd is a question of fact for the jury; therefore, they will be received.' There was no error in this ruling." (People *v.* Barker, Mich., April 8, 1886; 27 North-Western Rep. 539.)

The enormous number of place-holders strikes the attention of the inquirer into the several systems of federal, state, county, town, city, and village government; and into the system of patronage, or non-elective office appointments. When it is ascertained that the emoluments of these offices are small, and not calculated to afford more than a respectable subsistence for a man and his family, it may be inferred that the bulk of the citizens cannot afford the lavish expenditures for which those on their travels in Europe have become famous. It is not always understood how the necessary means are obtained with which to live extravagantly, and also to amass a fortune of larger or smaller dimensions. Too frequently the *dénouement* comes in an unpleasant way after the horse has been taken out of the stable. In the State of New Jersey, with a population of 1,131,023 in 1880, there were in the 21 counties, 21 state senators, 60 assemblymen, 21 sheriffs, 63 coroners, 21 county clerks, 21 surrogates, 21 county collectors, 21 prosecutors of the pleas, 13 law judges, 50 lay judges, and about 1000 justices of the peace—say, total 1312. Add to these the number of state, town, village, city, and United States officers, and the subordinates, and the total number of office-holders forms a large percentage of the whole population of adult age, one-half of which is presumed to be female. When it is remembered that, besides the general elections in November, there are local elections at other times, it is no wonder that electioneering and politics form a kind of second nature in the citizen. Imbued from infancy with the excitement and wiles of politics, the wits of the young citizens are prematurely sharpened with knowledge of the baseness of man. They are apt to rapidly develop habits of chicanery, and to think slightingly of their seniors. The art of pleasing to attain an end is natural, but the true ring of sincerity and unselfishness is usually wanting in politics and in politicians. Of course the animal nature is not eliminated from mankind because men are citizens of the United States. The different political parties have a distrust of each other collectively and singly, but this does not quite imply that the political distrust extends to the ordinary affairs of life or of business. Some laws of Congress and of state legislatures clearly indicate that politics may enter into all such affairs; and without doubt

political influence has often blindfolded law and equity and justice. There is no doubt that under the United States laws, when grand or petit jurors are drawn by the clerk of court, a commissioner is appointed by the judge, who must be a citizen of good standing residing in the district in which the court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong; and that this and other precautions cropping out in Federal and state legislation indicate what a supreme hold upon moral principles the political habits have acquired. Somehow, a man's name is brought up as a candidate for office at a primary meeting in town or in city ward, and proceeds through county, or county and state conventions, to nomination by a political party, and subsequently to election. It requires much backing up from supporters. The first question is how to secure nomination in the primary meeting of electors, and then to carry the candidate through the different steps to election and victory. What is this backing up? That is a secret often explained in loud whispers: political influence sets the wheels of the machine in motion and keeps them running? What is political influence? Money, patronage, political offices, political deals, promises, and what-not-else. In the State of Kansas, women have recently been given the suffrage in municipal elections; but according to newspaper reports, it is very questionable if this is a boon to the sex. In country districts there was no particular harm visible, but in cities it would seem as if disreputable women outnumbered the respectable, and that the foulest gossip or charges were made against respectable women. Is the favour of a chaste woman to become a "political influence"?

The immense power of the political machine is an acknowledged fact; and it was an unpleasant surprise to the old machine parties when, at the general elections in New York city in November 1886, the new Labour party sprung up as a giant competitor, and, defeating one, gave the victorious machine party a warm tussle. Since then, the Labour party in Cincinnati defeated the Democrats, and were about 600 short of electing the mayor. In Chicago, Illinois, and in Jersey City, New Jersey, the Labour party has also shown itself very strong; and there can be little doubt that its Presidential candidate in 1888 will poll a large vote, and may possibly be elected. Considering what political parties ought to be, it does seem strange, paradoxically strange, that such an Act as the following should be passed by any state legislature, to wit:—

"CHAPTER CCXI.

"*An Act to regulate the holding of, and to prevent frauds in, the primary elections of the several political parties in cities of the State of New Jersey.*

"1. BE it enacted by the Senate and General Assembly of the State of New Jersey, That from and after the passage of this Act it shall be lawful, and it is hereby made the duties of the judges, inspectors, and clerks, or other officers of the primary elections, meetings, or caucus, held for the purpose of nominating candidates for state, city, and county officers within the cities of the State of New Jersey, before entering upon the discharge of their duties, severally to take and subscribe to an oath or affirmation

Officers of primary elections to take oath before entering upon duties.

in the presence of each other, in form as follows—namely, "I, do that I will, as judge, inspector, or clerk (as the case may be), at the ensuing election, impartially and faithfully perform my duties in accordance with the laws and constitution of the State of New Jersey, and in accordance with the rules and regulations adopted by the party of the county of (as the case may be), for the government of the said primary elections, meetings, or caucus, to the best of my judgment and abilities."

Form of oath.

"The oath or affirmation shall be first administered to the judge by one of the inspectors, then the judge so qualified shall administer the oath or affirmation to the inspectors and clerks, and may administer the oath to any elector offering to vote as to his qualifications to vote at such election.

By whom to be administered.

"2. And be it enacted, If any judge, inspector and clerk, or other officer of a primary election, as aforesaid, shall presume to act in such a capacity before the taking and subscribing to the oath or affirmation required by this Act, he shall, on conviction, be fined not exceeding $200, and if any judge, inspector, clerk, or other officer, when in the discharge of his duties as such, shall wilfully disregard or violate the provisions of any rule duly made by the party of which he is a member, and for whom he is acting, for the government of the primary elections of the party, he shall, on conviction, be fined not exceeding $200; and if any judge or inspector of any primary election, as aforesaid, shall knowingly reject the vote of any person entitled to vote under the rules of the said party, or shall knowingly receive the vote of any person, or persons, not qualified as aforesaid, he shall, on conviction, be fined not exceeding $200; and if any judge, inspector, clerk, or any other officer of a primary election, as aforesaid, shall be guilty of any wilful fraud in the discharge of his duties by destroying or defacing ballots, adding ballots to the poll by false counting, by making false returns, or by any act or thing whatsoever, the person or persons so offending shall be deemed guilty of a misdemeanour, and upon conviction shall be fined not exceeding $500, or imprisonment not exceeding one year, both or either, at the discretion of the court.

Penalty for acting before taking oath, &c.

"3. And be it enacted, That all acts inconsistent with the provisions of this Act be and the same are hereby repealed.

"Approved May 9, 1884."

It is a well-recognised fact that wickedness prevails everywhere, and that no nation is exempt from the scourge of mankind. The legitimate object of laws is the public good, based in civilised countries upon what each country considers the highest type of civilisation. The preamble of the Constitution of the United States declares its purposes to be "to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." The preamble of the constitution of the State of New York is, "We, the people . . . grateful to Almighty God for our freedom, in order to secure its blessings, do establish this constitution," thereby implying that the people of the State of New York do not ignore God. The third section of this state constitution provides that "The free exercise and enjoyment of religious profession and worship, without discrimination or preference,

shall for ever be allowed in this state to all mankind, . . . but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state." Thus, it would appear that "liberty of conscience" is qualified in the United States; and that religion does enter more or less into the social relations of the people of the United States. But the "neutral attitude" professedly assumed by the Republic has been reaffirmed by nearly all the states of the Union. Thirty-four states have set themselves free from any obligation to give Christianity aid or protection over and above any other religion. New Hampshire remains a Protestant State; North Carolina, in 1836, substituted the word "Christian" for Protestant in her constitution, and Maryland admits to office only Christians and Hebrews (*vide* the Secretary's Report to the Central Committee for Protecting and Perpetuating the Separation of Church and State, New York, Dec. 2, 1886). As shown in another part of this work, there were forty-four recognised religious denominations at the taking of the 1880 census; but in addition a goodly number of curiosities in religion might be mentioned, to show the credulity, the freaks of fancy, the degraded perceptions, the utter perverseness of the human mind, in religious persuasions. Besides, there is a numerous, unblushing, and loudly-proclaiming body of atheists, who, it is said, have missions throughout the United States to convert the theists. Agnosticism has a large following. Although citizens need not be Christians or believers in God, it has been reported as a fact that would-be citizens were rejected, and could not get naturalised, because they were atheists. The total number of members of the recognised religious denominations is calculated to be 10,403,826, or, including claimed Roman Catholics, 17,236,780, out of a population of over 50,000,000, leaving a large proportion of the whole population unaccounted for as regards their religious, if any, professions. This being so, it does seem remarkable that the people of the United States should require oaths and affidavits at every step in civil and criminal proceedings of all kinds, and in the ordinary affairs of life. The attention of the reader is called to this fact. The majority of Scotchmen in Scotland have probably never been sworn, or made affidavit; while in the United States the amount of legal swearing is perfectly appalling. The number of persons authorised by law to administer oaths is enormous. They may themselves be atheists, or unworthy Christians. The reader should consider the facility with which at least the greater part of the 50,000,000 of citizens, including many of the 17,236,780, can be presumed to accommodate their consciences, or notions of right and wrong, to partial or total perversions of truth. Familiarity is said to breed contempt, and it is notorious that there is a superabundance of perjury in the United States.

According to the census of 1880, there were in the United States 43,402,970 white, 6,580,793 coloured, 105,613 Chinese, 66,407 civilised, or taxed, Indians—making a total of 50,155,783 inhabitants. Of the white population, there were 11,343,005 males of twenty-one years and over, of whom 8,270,518 were native in the United States, and 3,072,487 foreign-born. Of the coloured population, there were of the age of twenty-one years and over, 1,487,344, which included, besides negroes, Chinese, Japanese, and Indians. In California and other Pacific states and territories, the Chinese

form the greater portion of the "coloured," and are not voters. There was an aggregate population of 36,761,607, aged ten years and over, of whom 4,923,451 could not read; and there was an aggregate population (including white and coloured) of 6,239,958, aged ten years and over, who could not write. There were of this age 2,255,460 natives and 763,620 foreigners who could not write, and 3,220,878 coloured, including Chinese and Indians, who could not write. The number of prisoners in jails, workhouses, and penitentiaries, &c., was 58,509, of whom 45,802 were natives, and 12,807 foreigners. These figures indicate that the native-born citizens of the United States are not more literate, or less given to crime, than those in the United States who are foreign-born.

There are phases of crime peculiarly rampant in the United States, fostered by the peculiar institutions of the country. The laws may be good enough, but they are by no means always enforced, or enforced against citizens and aliens alike, or rich and poor alike. Juries find the facts, and in many states also apply the law; and being irresponsible, they may sometimes be said to sit as legislators unto themselves for the nonce, and to shame the devil. Any one, reading with a purpose, can glean ample evidence from the newspapers showing a very general state of moral turpitude; but then he must not believe all he reads, for the newspapers are of the earth earthy, and furnish little heavenly reading. Newspapers are business enterprises, run to yield a profit, or run to further other business operations or the schemes of speculators, politicians, or other designers, for worldly purposes; and few, if any, are unselfish, or entirely to promote the public good alone. There is certainly room for improvement—a screw loose somewhere—when a jury of twelve presumed honest men cannot be selected out of a less number than 600, 800, 1000 subpœnaed jurors. The weakness of American citizens where the almighty dollar is within grasp, but hedged round only by dictates of conscience, honesty, and justice, is proved by the numerous cashiers, and treasurers, and managers, presidents, trustees, directors, and others in positions of trust, who fill, or have filled, a felon's cell, or have become outcasts abroad, or have committed suicide; by the aldermen of cities, and by others, indicted, or tried and convicted, of accepting bribes; by the lobbyists and members of Congress and state legislatures openly charged and believed to be corrupt, giving and taking bribes; by the extortioners and the swindlers, by the knaves who buy sawdust for gold, or "green-goods" to impose on whom they can; by the bunco steerers, and the horde of gamblers and stock operators; by the watering of railway and other corporation stocks; by bigamies, murders, thefts, robberies, and every other manner of getting money; by the gullible fools who are the victims of their lust for money. It is pretty well understood that a citizen does not stop at trifles when he has an object in view—and his conscience is apt to be elastic. It has been said that the pirate of the present day is the man who hires an astute lawyer as steersman, and, sailing through the meshes of the law by his audacity and unscrupulousness and wire-pulling, gets the advantage of those who abide by the law or by conscience, or have not the nerve or opportunity to do likewise. Newspapers are often important tools in the hands of such piratical operators. The maxim that there is strength in unity is exemplified by "rings" and "pools," &c., &c. *Unum e pluribus* is the American motto. The devices by which the

piratical operators attain their particular ends are often intricate labyrinths of cunning. The simple methods of "freezing out" are of everyday occurrence; also buying a controlling interest in incorporated companies, and then absorbing, or winding up. The ways are infinite to ruin competitors, or otherwise destroy them. Directors of corporations are apt to have a controlling interest, and to ignore shareholders' interests if opposed to their own; and it does happen that such directors act as if they thought the shareholders should smilingly and knowingly permit themselves to be fleeced. "He can take care of himself," is the excuse for leaving a man to his fate. It would seem as if every advantage might be taken of all not watchful or sharp enough, or of such as are incapable of taking care of themselves; and, of course, virulent abuse is in order if the party to be imposed upon shows resentment. It is desired to build an elevated railroad from the Battery to Harlem by way of Broadway, Union, and Madison Squares, Fifth Avenue, and Central Park, &c., all within the city limits, and it is known that such a scheme could not be carried in a straightforward manner. An objectionable application for a railroad is made by one set of men, and another application for an unobjectionable railroad made by another set of men, and held out or supposed to be in opposition to the former. The second is reported favourably, and at the last moment there is, by manipulation, an amendment carried giving power to make use of streets generally, or some such apparently harmless clause in connection with the road to be built. After the Act is passed the original schemers show their hand, and the railroad from the Battery to Harlem is built under the general powers conferred by the apparently harmless clause.

There is no desire on the part of political parties to render trickery impossible; and so long as the political principle is "diamond cut diamond," and political careers are machine-made and machine-guided, and therefore partisan, the legislatures will not look after the interests of the whole community. Conviction or sentiment is made subservient to party politics. A paper read to the members of the Commonwealth Club in New York city by Mr Joseph F. Bishop, and reported in the 'New York World' of 22d March 1887, urged reforms in the method of carrying on elections, and stated some startling facts. He said that $210,000 are paid annually by candidates for assessments, which, with the sum expended by the city, are divided among 45,000 men, or one-fifth of the entire voting population of the city. Of the men employed, between 8000 and 10,000 are hired by the city, and the others are paid by the political machines. One great effect of the assessment system is to make the city government a matter of bargain or sale. The question of the fitness of men has been a secondary consideration, and sometimes has not entered into the matter at all. The showing in minor offices is very discouraging. For years past every one of the successful candidates for these offices has literally bought his place. The effect of the assessments in nine out of ten cases is that it leads poor men into all sorts of efforts to get the money out of their office to enable them to meet obligations; and if they cannot get it legitimately, the temptation to succeed by opposite means is very great. They must repay friends who helped them by enabling them to reimburse themselves out of the public crib. The Broadway bribery scandal was the natural outcome of the assessment system. So also in the legis-

lature. They must support the machines by getting "jobs" through, and voting solidly against all measures for good and economical government. Here is to be seen the reason why, out of the city's twenty-four representatives in the Assembly and seven in the Senate, never more than four or five can be depended upon to oppose a job, or favour a desirable measure. In the Senate of 1885 there were five men from this city whose only business was politics; and there were fifteen such in the Assembly. In this year's Board of Aldermen there are five liquor-dealers, eighteen political workers, and one honest man.

These statements of Mr Bishop apply with equal force to other cities throughout the Union, and to the workings of machine politics everywhere. There must be reform. The people's true guardians are being heard, and the reform movement may take the lead for a time. Like a flock of sheep, however, the people may break away again, the devil in the lead. It is unnecessary to comment upon the manner of cheating a true ballot of the people by transplanting voters, false counts, stuffing ballot-boxes, deals, and other methods. But before leaving this subject, it is proper to corroborate the above statements by others of a similar import, uttered by a gentleman of high position in the government of New York city at this day. In an address to the Democratic Club at Harlem upon 16th March 1887, Mr Ivins, City Chamberlain of New York, said: "Important offices of honour, profit, or trust are either put up at auction or raffled away." He said men would be nominated for office—not on account of ability or probity, but because they were rich, and willing to buy the offices. "As far back as 1876, Tammany Hall raised $165,000 for the campaign. Why, in 1883 John Kelly was assessed $50,000 for the nomination for Register. Judicial nominations were bought for as high as $30,000. The nomination for District Attorney commanded $10,000 and $15,000. The mayoralty assessment has cost as high as $25,000." According to him, the election expenses in New York city in 1886, official and unofficial, reached the sum of $700,000; and he thought $1,000,000 would not cover the amount expended in the city for the expenses of the Presidential election of 1884. He said fully twenty out of every hundred voters are under pay, official or unofficial, on election days. In close and bitter elections in the city, as many as fifty-five men were paid for their services at each of the 812 polling-places; forty-five were paid by the organisations, and ten by the law governing the election machinery. Mr Ivins claimed that if a man was as great as Cæsar or Napoleon, or as good as St Paul, he could never, under the present management of New York city politics, be nominated mayor unless he had $15,000 or $20,000 to put up for the expenses of his election. He had been told that candidates for the state senate had to spend as high as $50,000 to be elected to the assembly. A Democrat, who had been twice elected to the state senate, had told him that his first fight cost $8000 and his second $12,000 (*vide* 'New York World,' 17th March 1887).

It is, in the circumstances, not surprising that the spirit of the laws is wavering or dubious; that the laws are not properly enforced; that the administration of justice is not always even-handed; that the jury system is defective and unsatisfactory; that the judges of the Courts of Record—particularly when about to stand for re-election—involuntarily, perhaps, swerve towards political supporters. Justices of the peace,

as the reader will afterwards notice, hold very important functions in connection with town and incorporated village government, &c., besides judicial—civil and criminal—functions. Being for the most part unlearned in the law, they are in the habit of being friendly with some lawyer, who gives them the advice required; and as a *quid pro quo*, the justice of the peace, naturally enough, when one thinks of it, takes it for granted that the litigant or other party represented by such lawyer must be in the right. They are also apt to look favourably on litigants or offenders belonging to their own district, in cases where the other party belongs to another town or village; or favour the voter where the other party is not a voter, both belonging to the same district; or where both belong to his district, favour the litigant who belongs to his political party. Mr Bancroft, in his 'History of the Constitution of the United States,' gives the reasons which led to the appointment of justices of the Supreme Court of the United States, and other United States judges, for life or during good behaviour. The United States justices are not elected by ballot. The judges of the several state courts are elected in various ways and for various terms; but their tenure of office is dependent either upon retention of popularity, or their usefulness as tools to the political machine or dominant political party, or even to their obedience or subserviency to corporation dictates. But there are many upright and able judges. The more one knows of the intricacies of society in the United States, the more apparent is the need of Law and Order and such-like Societies or Associations, which are not necessarily incorporated, formed to insist upon the enforcement of the laws, and get proper laws passed by the Legislature, &c. It is a sad commentary upon the state of affairs, but it is true that the members of many such societies are in fear and trembling, and are only secret supporters of the movement. They may help with money, but dare not avow the connection, lest their popularity should suffer or they should meet with harm. Individuals count for little, if anything, in such a battle. It requires money, patience, tact, perseverance, and united efforts of many to avail much. A single individual may raise a momentary sensation; but the wicked wave soon drowns him past redemption, or covers him, however pure, and he emerges filthy-looking, and is shunned or pitied and left alone. It is curious, but the case, that a law may be enforced in one county and not in the adjoining county; that what is held perfectly *comme il faut* in one part of the state, is in another part punished as a misdemeanour or crime. "The unalienable rights of life, liberty, and the pursuit of happiness" of one citizen, according to his interpretation of them, entitle him to encroach upon the similar rights of another citizen; and there is no doubt the law favours the aggressor, or is permitted to favour the aggressor, and the victim, as a rule, can get little satisfaction by an appeal to the law for protection or for redress. The victim may reason that it would be a waste of time, trouble, and good money to seek redress; and that, supposing he did get judgment, he should not be able to collect anything. It is so easy for a man to leave the state or put his property safe where it cannot be levied on. Lawyers are never wanting; but they are always wanting—they are ravenous as wolves and sly as foxes. And yet they are not all so. But it is a melancholy look-out, usually, for a man involved in litigation. The law

is for the rich, and permits the rich to exhaust the poor man and to swindle him, because he is poor or without friends, or has no political influence. A crime is committed, and an appeal to the law may actually bring worse evil. For example, a stranger is robbed. The culprit is apprehended, indicted, gives bail, and is released. The stranger has to give security that he will appear to prosecute; cannot give it, and is locked up in the house of detention. Months, possibly years, elapse; and all this while the stranger lingers in confinement. The culprit enjoys his freedom, and the matter is forgotten until the culprit dies. This event entitles the stranger to his freedom, and he gets his liberty,—possibly the culprit might have been dead or have left the state for years before the stranger gets his freedom. Through being kept in confinement, the stranger cannot attend to his business, and his prospects may be ruined. Such was the fate of an immigrant not very long ago. The friends of the culprit often resort to strange methods to spirit away, pacify, or bulldoze the private prosecutor; and witnesses are tampered with, and jurors are apt to be weak as water, and judges and prosecutors of the pleas may be politically fettered. Sometimes private prosecutors and witnesses need police protection, and even to be kept beyond any one's reach. It has been stated that there are in New York city 6000 indictments which might and ought to be tried, but from one cause or another are hopelessly pigeon-holed. Whatever the state of the country was before the civil war, after the civil war, and during ten or fifteen years following the disbandment of the armies, there was a kind of moral chaos surging over the sound heart of the nation. Slowly but gradually the good elements of the community have been getting again into subjection the baser, and the sediment has settled somewhat to the bottom, and the festering moral sores are not so visible and not so offensive. Much has still to be done; but the Christian men and women and the faithful pastors have worked hard and constantly, and their struggles for righteousness' sake are yielding much fruit. The heart of the people is sound, but the surface shows many ulcers. Within the last few years the worst sort of socialism, anarchism, communism, and other monstrosities of man's evil nature have been imported from Europe, and have taken root and thriven. But the people will in time crush the evil out of them. The usefulness of trades-unions is acknowledged, but the evils have not yet been pruned off them; so that the unions are at present very apt to be instruments of tyranny, wielded by self-serving or evil-designing demagogues. The Knights of Labour organisation is an ambitious attempt to overthrow natural laws, and place the centre of gravity in the head.

As the reader will discover, there are town and village elections held in each year at a different time from the general elections held in November. Every fourth year are the Presidential elections, which are more or less kept in thought during the whole interval; and from year's end to year's end there is more or less electioneering work done. Without discussing whether such a course of political diet is conducive to the pursuit of happiness or other unalienable rights, it is in place to quote such a leading article as the following, viz.:—

"One day's news of corruption. The general subject of political corruption has become very tiresome, but the variety of its manifestations just at the present is rather interesting, and it is instructive to note how

many instances can be found reported in the single issue of a daily newspaper. After the reader has ascertained the stage of progress in the trial of ex-Alderman Cleary in this city, he will find in another column an account of the advance made by the prosecuting attorneys upon the works of the Chicago corruptionists.

"He may then cast his eye on an item from Arizona, noting the sale and delivery of the work of the territorial legislature to the railroad corporations. This body was elected on a reform ticket for the suppression of transportation abuses, and then sold out to the parties its business was to oppose. In yet another part of the paper he may find the offer of a responsible party to prove to the Nebraska House of Representatives that its Judiciary Committee, or the majority of it, is under contract for $5000, more or less, with Omaha gamblers to defeat a bill interfering with their business. He also will supply the House with the facts relating to other corruption. An investigation committee has been appointed to sit in secret session and learn the names of the bribed members.

"In another column of the same issue the reader will be entertained by the testimony of a Cincinnati contractor's book-keeper, with reference to the manner in which he made out his employer's accounts against the city. This is really unique. The young man constructed the bills entirely out of his imagination, the only restriction being that no one bill should be over $500, and that none of them should be dated on Sunday. He appears to have exercised his ingenuity altogether on the cents, as the dollars were at once fixed at $499. Bills of this character, representing no work done whatever, were allowed and paid by the authorities to the amount of $6000. And this is only a part of the whole, of course. The newspaper will further present the proceedings of the Brooklyn investigators.

"Honest people will shake their heads at all this, and wonder what the country is coming to. Having done this, they will serenely go about their business and leave politics to the pot-house. It is very funny that none but pure men are in office, isn't it?" ('New York World,' 16th March 1887.)

The path of the reformer is in the United States peculiarly difficult. Very few care to face the storm single-handed. Even the Law and Order Societies are often semi-secret, and members do not particularly like their names to be openly disclosed. They feel themselves to be in the minority. In the country, it is often said by excellent men, "Oh, that is a perfect disgrace,—it is against the law; but it does not interfere with me. I think I can stand it." And he does, because he does not like to antagonise the majority and make himself unpopular. But woe betide an unpopular man if he does aught not congenial to the ideas of any set which chooses to judge him. He may be "rail-ridden" or "tarred and feathered," "whipped," "shot in the legs," "forced to leave the neighbourhood on a few hours' notice," perhaps "mutilated," "assassinated," perhaps "lynched." The easy-going consciences of the citizens permit them to smile and say "Served him right." Many inexcusable outrages are thus committed with impunity, as the victim can get neither civil nor criminal redress. Such doings would not occur if the laws were respected. The perpetrators surely ignore the unalienable rights of the American citizen! Newspapers are business enterprises and dependent upon popular favour, and it does not always pay to de-

nounce such occurrences too much or give things their right names. But there are some noble exceptions, which are guided by a higher wisdom than the low or average tone. Scandal and evil reports fly fast and far, and, like rolling snowballs, gather as they go. The telegraph and the printing-press are common instruments for belittling and defaming good men and women. It is a well-practised policy to sow the seeds of discord or to blacken a good character with calumny. There is a man you want to ruin? Well, spread some falsehoods, and employ private detectives; start some story in a newspaper; get your friends to boycott him, and give the police a hint to watch him; and, a further refinement, get him made the object of private ridicule, and afterwards of caricature or ridicule in newspapers. A good wife is to be got rid of? Well, adopt the same tactics. In litigation, the sworn stenographer of the court can manipulate, and the party is at his mercy, as he has not heard the notes read or signed a written-out copy of them. The weight given to unrevised stenographer's notes can be a source of injustice. There is always a tendency on the part of counsel not to expose an incompetent stenographer. There is no difficulty in finding tools in the United States for any purpose, good or bad, but there is often much difficulty in selecting good tools for a good purpose. In this connection, it may not be out of place to give certain parts of the reports in the 'New York World' of 17th, 18th, and 19th March 1887, of the proceedings in the House of Assembly at Albany. Mr C—— objected to the bill, and let loose a floodgate of indignation, while the House laughed. "I see nothing ridiculous in the bill," he said. "I wish you would characterise in proper terms the conduct of those men who come here with bills to extort money from corporations. This is what many of the Democrats seem to be here for. The bills are silly, and are offered for no other purpose than to extort money." The next bill was brought up, and in the course of the discussion Mr M'K—— replied in a manner that won the sympathy of the house. "I have served for twenty years with such houses as A. T. Stewart and H. B. Claflin & Co.," he said, "and this is the first time my motives have been impugned. I will not allow the chairman of the Railway Committee to cast a stone against an honourable record." Another bill was reported on adversely. Mr A—— declared that he championed the bill because it was just. He had heard from the press of the state, however, that nothing good could be expected to come from the Railroad Committee, because its chairman was a corporation lawyer. Later, young J—— took the floor. He had listened patiently, he said, to the attacks which the Republicans, particularly Mr C——, had made upon the Democrats. There was one thing, however, that Mr C—— had not said, and that was that a combination of six influential Republicans, whom corporations had employed to protect their interest, were not Democrats. "I thank the gentleman," he continued, "that the gentleman from New Orleans, Mr C——, has not said there were Democratic committees made up by a Democratic Speaker, that were controlled by corporations. I do not impugn the motives of any person or committee, or even censure the judgment of the committee, but I would call attention to the striking coincidence that every bill affecting railroad corporations which will grant an additional franchise, or which begins with the word 'authorise,' or which shuts up the commerce of the Harlem River six hours every day

in the interest of the Harlem Railroad, or which resurrects defunct franchises, comes out of that committee invariably with a prompt and favourable report; while every measure which restricts the limits of corporations is promptly strangled, or declared a strike. The committee seem to think a favourable report is necessary for every favourable bill, and that an adverse report is necessary on every adverse bill. That course has been pursued with unvarying monotony." St Patrick's Day was celebrated in the assembly by a shindy that would have done credit to Donnybrook Fair in its palmiest days. Every one, from Speaker H—— down, was adorned with emblems of the day,—some with strips of green ribbons, others with green rosettes attached to their buttonholes, while the more favoured ones disported the genuine shamrock, distributed by the generosity of Senator M——, whose desk was ornamented by a beautiful floral testimonial fresh from an admiring friend in Ireland. The Democrats came to the Capitol with sprigs of green in their coats and fire in their eyes. Mr S—— took the floor. The House, he said, had seen the efforts of a young and ill-tempered young gentleman from New York, who, under the mask of great respectability, attacked the bills and impugned the motives of colleagues from New York. Because he dwells under the cloak of being the son of a noted minister, he believes he is entitled to greater privileges than other members of the House. He had unjustly assailed his fellow-members, men who were as pure and just as respected as the member from New York.

"Does the gentleman really mean that?" said Mr C——, who had twice before interrupted the speaker.

"Certainly he does," chipped in a Democrat.

Continuing, Mr S—— said, "But it has been my experience that men who pose as reformers, as models of the community, are the men whose motives should be watched, and who will not bear watching. If the gentleman is such a paragon of virtue, why did he introduce the bill which permits the Baltimore and Ohio Railway to confiscate one of the piers of New York city?" (Here Mr C—— smiled, while the Democrats laughed derisively.) Resuming, Mr S—— said, "His (C——'s) motives should be watched. I say this deliberately and unreservedly. The men referred to by him are as honest and pure, and just as respectable, as the young reformer from New York. The time has come when the House should either reprimand the young but very indiscreet member or force him to retract."

Subsequent to much excited talk, a special committee of three was appointed to report the stenographer's notes to the House on Mr C——'s speech of yesterday and to-day, with that of Mr J——'s of yesterday. It was discovered that the regular stenographer, who draws $1500 a-year, and is appointed by the House, had been very neglectful of his duties. This year he had substituted his partner, who became sick the other day, and since then the work had been performed by a boy. The latter, the committee discovered, had not only failed to take down Mr C——'s speech, but had actually failed in reporting Mr J——'s as well. Next day the committee reported that, owing to the absence of the official stenographer, "the acting stenographer had not taken the speeches of Messrs C—— and J—— in full. The relics of them, which the stenographer submitted with the report, were disgraceful to the House, as they were ridiculous." There was a roar when Mr C——'s alleged speech

was read to the House. But when Mr J——'s remarks, as reported by the stenographer, were made known, the entire House burst in laughter. Ideas that he never thought of, expressions that he never uttered, and words which he could not have used with any semblance of intelligence or appropriateness, were charged against him, until the brilliant young orator slunk deep into his chair, and a series of blushes spread over his face at the humiliation of having his name appended to such stuff, and his voice was not heard during the day. A truce was patched up; but the result might have been different had the stenographer's report been correct.

There is now no national bankrupt law. For several years one was in force, but did not prove satisfactory. Chancellor Kent, in his 'Commentaries on American Law' (vol. ii. p. 341), says: "The objection to a national bankrupt system consists in the difficulty of defining, to the satisfaction of every part of the country, the precise class of debtors who can, consistently with the constitutional jurisdiction of Congress over the subject, be made the objects of it; and the great expense, delay, and litigation which have been found to attend proceedings in bankruptcy; and in the still more grievous abuses and frauds which the system leads to, notwithstanding the vigilance and integrity of those to whom the administration of the law may be committed. Each state may have bankrupt and insolvent laws; but the discharge under a state law does not discharge a debt due to a citizen of another country, who has not made himself a party to a proceeding under the law. It only operates upon contracts made within the state between its own citizens or suitors, subject to state power. One state has no power to discharge debts due to citizens of another state." Mr J. L. Bishop, in his work on 'Insolvent Debtors, in the state of New York' (2d edition), says: "It cannot be doubted that, in the absence of a bankrupt law, or some statutory inhibition, a debtor, while he is administering his own affairs, may honestly prefer the payment of one debt to another. He may indeed apply all his property to the payment of one debt, if the debt be one for which he is justly liable, and the property be no more than sufficient to pay it, without the imputation of fraud." "A debtor, after a verdict against him, and previous to the entry of a judgment thereon, may lawfully give a preference to a creditor by conveying to him real estate in satisfaction of a *bonâ fide* debt." "In many of the states preferential assignments are prohibited by statute, but in none has the rule at common law, as above stated, been denied." There is no doubt that creditors are, more or less, at the mercy of debtors, whose facilities for fraudulent management of their insolvent estates are great and easy. Wives may be very useful upon occasion, and are often made use of by debtors. The amount and nature and values of personal property exempt from execution, and the size and value, &c., of homesteads, vary in the different states. A judgment-creditor may be unable to collect anything, while the judgment-debtor defies him to do his worst, and lives in comfort, while his judgment-creditor may be in the direst distress—unable to get employment, unable to get money to buy the necessaries of life. Landlords may have hard times with their tenants who fall into arrear in payment of the rent. The tenant may remove his exempt property, which may be all he owns, and then, vacating the house or farm, laugh at the landlord. What is not exempt may belong to the wife, or be said to belong to her, or to a third party,

and the landlord is helpless, unless he risks a suit for damages. Where there is doubt as to any surplus over the amount exempt from sale, the landlord or judgment-creditor is on dangerous ground. Though the tenant should pay monthly in advance, whether or not there be a written lease, he may at any time move off the premises, and laugh at the landlord; who, by the treachery of his tenant, may find himself with the house, garden, farm, &c., on his hands, and the time for letting past.

There are many mercantile agencies, protective associations, and other societies having for their object the collection and diffusion of private information regarding the financial standing, business reputation, &c., of all individuals, firms, associations, corporations, &c., or of those in a particular branch of business. Such information is given to subscribers for a term, or to a party wishing information regarding a particular individual, firm, &c., who pays a certain fee. The information furnished is confidential. Certain mercantile agencies have printed books stating the business, ratings, &c., which are issued confidentially to subscribers, to be returned when the subscription expires, or in exchange for a later edition. The correspondents of these agencies are very numerous, scattered throughout the United States and elsewhere, and the organisation has been so perfected that changes in ratings, rumours of financial embarrassments, judgments entered, &c., &c., are forwarded as occurring to headquarters, and at once communicated to regular subscribers. Merchants and others combine to act as self-protectors, and naturally listen to all rumours. Business could not be conducted in the way it is if those conducting it had not the information these agencies supply. The amount of espionage into other people's affairs is very great. Injustice and black-mailing do of course sometimes occur; but the first-class agencies have, through experience, learned to sift thoroughly information received; and it would injure their business standing were they to be parties to black-mailing tricks. Even the learned professions are subjected to the ratings of self-constituted judges. The publishers of one Directory, according to a circular sent to lawyers in 1887, claim to give "careful and accurate ratings for legal ability, worth, reliability, &c., &c., &c., of over 60,000 lawyers in the United States and Canada, and to be to the legal profession what Dun's and Bradstreet's books are to the merchants." There are five grades for legal ability, five for reliability, and nine for financial worth — the highest rating being "over $100,000," the lowest, "no financial worth" — and eight abbreviations, indicating special lines of practice. The price of the volume is $10, and the number published biennially is limited to actual subscriptions at the date of printing. The subscriber is requested to give in the order to the publishers such rating as he deems himself entitled to, which "will enable the publishers to compare his views with the report they have of him; and when the discrepancy is wide, they will make farther investigation, thus avoiding the danger of doing him injustice." The order also provides: "And it is understood and agreed that . . . a private key will be supplied to the undersigned, separate from the Directory, which the undersigned agree to treat confidentially, and use for own private use only, and not divulge its meaning to any one else, and to make no copy of it; and for any violation of this agreement to be answerable for all damages resulting either to the publishers or to any

attorney rated in said Directory; and to forfeit both key and Directory. No key will be furnished unless this agreement is signed."

The marriage and divorce laws in operation in the several states are very complicated, each having its own system independent of all others. In a number of states, marriage between first cousins is forbidden, and even declared incestuous and void in some of them. In many states, marriages between whites and persons of negro descent are prohibited and punishable. In Arizona and North Carolina, marriages between whites and Indians are prohibited; and in Arizona, those between whites and Chinese also. In New Jersey and Ohio, males under twenty-one years and females under eighteen years require the consent of parents or guardians to the marriage. A marriage between a male of fourteen and a female over twelve years of age is in Massachusetts legal, even without the consent of parents. The age of legal consent varies in the several states. In Maryland, only an ordained minister can tie a legal marriage. In New York, New Jersey, New Mexico, Montana, and Dakota, marriage licences are not required, while in all the other states and territories they are necessary. Civil marriages are contracted in terms of special laws of the state or territory. In Missouri, parties who cohabit and represent themselves as husband and wife are presumed to be married; and where parties of the age of legal consent agree in express terms with each other to be husband and wife and cohabit, there is a valid marriage. In California, marriage is declared to be a civil contract, and consent, followed by cohabitation, &c., is all that is necessary.

In South Carolina there are no divorce laws.

Absolute or full divorces are granted for cause in all the other states and territories. The length of residence in the state or territory before the action for divorce can be brought varies, and may be ninety days, six months, and one, two, or three years, as the case may be. Adultery is a cause for divorce everywhere except in South Carolina. In New York, an absolute divorce is granted only on the ground of adultery. Wilful desertion for one year in certain states and territories, for two years in others, for three years in still others, and for five years in Virginia, is cause for divorce. In all the states and territories except eleven, "habitual drunkenness" is a cause for divorce; and so, "imprisonment for felony" or "conviction of felony," in all except eleven. So, "cruel and abusive treatment," "intolerable cruelty," "extreme cruelty," or "inhuman treatment," in all except eleven; so, failure to provide for one, two, or three years, as the case may be, in six states, for no time specified in four other states; "great neglect of duty," in Kansas; wilful neglect for three years, in Delaware; so, fraud and fraudulent contract, in six; so, absence without being heard of, in New Hampshire; absence for two years, in Tennessee; seven years, in Connecticut and Vermont; absence without reasonable cause for one year, in Missouri; separation for five years, in Kentucky; voluntary separation for five years, in Wisconsin; so, ungovernable temper, in Kentucky; "habitual indulgence in violent and ungovernable temper," in Florida; "such indignities as make life intolerable," in Missouri and Wyoming; "indignities as render life burdensome," in Oregon and Pennsylvania; so, "husband notoriously immoral before marriage, unknown to wife," in West Virginia; "fugitive from justice," in Virginia; "gross misbehaviour or wickedness,"

in Rhode Island; "attempt on life," in Illinois; "refusal of wife to move into the state," in Tennessee; "mental incapacity at time of marriage," in Georgia; "three years with any religious society that believes the marriage relation unlawful," in Massachusetts; "joining any religious sect that believes marriage unlawful, and refusing to cohabit six months," in New Hampshire; "parties cannot live in peace and union," in Utah; "settled aversion which tends to permanently destroy all peace and happiness," in Kentucky. The concurrent verdict of two juries at different terms of the court, is in Georgia necessary to the granting of an absolute divorce.

The law varies in the different states as to the right of both or either of the divorced parties marrying again. In four states there are no restrictions; in one, the defendant must wait two years and obtain permission from the court; in one, the decree of the court may restrain the guilty party from remarrying; in one, the parties cannot remarry until after two years, except by permission of the court; in one, the defendant cannot remarry during the plaintiff's lifetime, unless the decree is modified, or proof that five years have elapsed, and that the plaintiff has married again, and defendant's conduct has been uniformly good. Marriage in violation of this is punishable as bigamous, even though the plaintiff had married again. As a rule, each state refuses to recognise as valid a divorce against one of its citizens by the court of another state, unless both parties to the suit were subject at the time to the jurisdiction of the court granting the divorce. In Kansas, a divorce obtained in another state which forbids the defendant to remarry, is ground for the defendant to obtain a divorce in Kansas; so if a divorce has been obtained in New York, and the plaintiff becomes subject to the jurisdiction of the courts in Kansas, where the defendant is a citizen, a divorce obtained in Kansas by the defendant in the New York proceedings would have to be recognised in New York, and this defendant could not be punished for remarrying in New York. Polygamy and polyandry are permitted in New York in certain cases. Thus, after five years' desertion by either party, the party deserted, if without knowledge that the party deserting is alive, may marry again; and this second marriage is valid, even though the party deserting returns. The second marriage may be declared void, but only from the date of the decree by a court of competent jurisdiction upon proper petition; but if no such petition is made, and all parties are satisfied, one husband may live in lawful wedlock with two or more wives, and one wife with two or more husbands. The children would inherit, and both wives would be entitled to dower. (The writer is indebted to the 'New York World Almanac' for 1887 for the greater part of the above synopsis.)

It has been said that there are 28,000 divorces granted annually in the United States—one to every sixteen marriages. In an article on "Marriage and Divorce," appearing in the 'North American Review' for July 1884, the Hon. ex-Justice Noah Davis of the New York Bench said: "In considering the subject of divorce, the interests of society are first and paramount; those of individuals are subordinate and secondary. . . . Our present systems are barbarous and degrading. They have led to a large increase of divorces in proportion to marriages. In some states the ratio has advanced from, say, one in thirty-five to one in ten; in some to one in six, and in some cities the proportion

is even greater. It is safe to say, says one writer, that divorces have doubled in proportion to marriages in most of the Northern States, attributable to the difference of statutes and modes of procedure,—the percentages of increase being largest in states furnishing the readiest facilities as to grounds of divorce, and the ease and cheapness of obtaining decrees. . . . It is possible, under our present laws, that a husband and wife may rise from their lawful bed in the morning bound by the bonds of matrimony to each other, and each lie down at night of the same day the lawfully wedded husband or wife of another party. . . . But if this can be done by willing parties, what cannot be done by fraudulent ones? . . . But the greatest evil in this country grows out of the differing laws of the several states touching the grounds and effect of divorce. . . . It is a monstrous truth that a person can quit the state of his residence, and, leaving his wife and children behind, in a brief time obtain, in the courts of another state, a decree of divorce entirely valid in that state, but absolutely void in the courts of other states. His remarriage is lawful there; it is felony elsewhere, and his guilt or innocence depends upon which side of an imaginary state line he happens to stand. This would be less important if the status of his wife and children, past, present, and future, were not to be seriously affected by the decree. Let me illustrate.

"A is married in New York, where he has resided for years, and has a family, and is the owner of real and other estate. He desires divorce, and goes to Indiana, where that thing is cheap and easy. Upon complying with some local rule, and with no actual notice to his wife, he gets a decree of divorce, and presently is married in that state to another wife, who brings him other children. He again acquires new estates; but, tiring of his second wife, he deserts her and goes to California, where in a brief space he is again divorced, and then marries again, forming a new family, and acquiring new real and personal estates. In a few years his fickle taste changes again, and he returns to New York, where he finds his first wife has obtained a valid divorce for his adulterous marriage in Indiana, which sets her free, and forbids his marrying again during her lifetime. He then slips into an eastern state, takes a residence, acquires real property there, and after a period gets judicially freed from his California bonds. He returns to New York, takes some new affinity, crosses the New Jersey line, and in an hour is back in New York, enjoying so much of his estate as the courts have not adjudged to his first wife, and gives new children to the world. At length his Master takes him. He dies intestate. Now, what is the legal status and the condition of the various citizens he has given to our common country? and what can the states of their birth or domicile do for them?

"A few words will show how difficult and important these questions are. The first wife's children are doubtless legitimate, and heirs to his estate everywhere. The Indiana wife's children are legitimate there, but probably illegitimate everywhere else. The California children are legitimate there and in New York (that marriage having taken place after the first wife had obtained her divorce), but illegitimate in Indiana and elsewhere; while the second crop of New Yorkers are legitimate in the Eastern States and New York, and illegitimate in Indiana and California. There is real and personal property in each of these states. There are four widows, each entitled to dower and distribution somewhere and to

some extent, and a large number of surely innocent children, whose legitimacy and property are at stake. All these legal embarrassments spring from want of uniformity of laws on a subject which should admit of no more diversity than the question of citizenship itself."

When it is considered that Roman Catholics are forbidden by their Church's tenets to get divorced, the percentage of divorces among other than Roman Catholics must be greater than that mentioned. But though Roman Catholics do not get divorced it does not follow, necessarily, that there is greater virtue among them. 28,000 divorces in one year mean 56,000 persons divorced in one year. Suppose the population of the United States to remain at 50,000,000, and the number of divorces to be annually 25,000, there would in twenty years be 1,000,000 of divorced persons, less the number who might have died, and allowance made for those who may have been divorced more than once, which can be approximated by the reader. The question is, what the ratio of divorced persons to the adult population is? In 1880, out of a population of 50,155,783, there were 11,343,005 white and 1,487,344 coloured voters, making together 12,830,349, so that the number of citizens, male and female, of the age of twenty-one years and upwards who had been divorced, might not unreasonably be calculated to be one to every twenty-five of those of the age of twenty-one years and upwards. But what is the proportion of married to unmarried men? Are unmarried men more virtuous than married men? Are unmarried females all chaste in the United States? The more one thinks, the more appalling seems the existing state of affairs. And what a school to rear the young in! No wonder the young American does not respect seniors. No wonder young Americans are precocious. It was reported from Georgia that a magistrate was called in to perform a marriage ceremony. He found about fifty school children, and learned that the bride and groom were of the number,—a boy aged fourteen and a girl aged fifteen years. The boy on his first visit to the girl had asked her to be his wife; on his second visit her mother was consulted; and on his third visit he got the father's consent. His own father violently opposed the marriage. There was no licence, as the boy had not the money to get one; but the other school children then present managed among themselves to collect enough, and the licence was got; and the magistrate thereupon made the boy and girl husband and wife. A bright little Kentucky girl of forty-five inches in height, and known to be only seven years, four months, and fifteen days old, was married to a man of seventy years of age by an old preacher. The latter case was brought to the notice of the grand jury. The curiosities, so to speak, in marriages and in divorces, laid out in the most attractive form in the columns of newspapers for the public, old and young, and of both sexes, to read and take pleasure in reading, are very numerous and very startling, and, to the thoughtful, very suggestive of the times. Then, as additional relishes, there are the exciting reports of elopements, the fullest details of divorce suits, and the whole entrails of sensuality, with embellishments to make them palatable to the depraved morality of the times. The newspapers are also full of reports of all other forms of nastiness,—the works or thoughts of wicked men and women and children. Such is the morning chapter, so different from that which the sturdy old patriots of a hundred years ago, and the still older Puritan and Huguenot fathers

and pilgrims, taught their children was proper to be read. But the history of the Roman Republic may be repeating itself in the United States; and there is the case of the Israelites related in 1 Samuel, ch. viii.: "Behold, thou art old, and thy sons walk not in thy ways: now make us a king to judge us like all the nations. But the thing displeased Samuel, when they said, Give us a king to judge us. And Samuel prayed unto the Lord. And the Lord said unto Samuel, Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but they have rejected me, that I should not be king over them. According to all the works which they have done since the day that I brought them up out of Egypt even unto this day, in that they have forsaken me, and served other gods, so do they also unto thee. Now therefore hearken unto their voice: howbeit thou shalt protest solemnly unto them, and shalt show them the manner of the king that shall reign over them." There are some American citizens desirous that a king should reign over the United States;—they are not a few.

Brief mention only need be made of the fact that, during the last few years, socialists, anarchists, and the worst types of the human race, have planted their standards in the United States, and are desirous of moulding the republican institutions after their own fashion. Knights of Labour, trade-unions, and innumerable societies are organised and in full operation. It might seem as if "castes" were forming, of a somewhat similar description to those in some Asiatic countries. The respective labour unions seek to prevent all not members to work at the particular trade. Like political organisations in the United States, the machinery of the several labour organisations is generally in good and, so far as can be, effective working order. The discipline of members is rigorous, the submission full, the obedience blind. Mutiny is not common. The number of other societies, associations, and clubs—some for good, some for bad, some for execrable, and some for mixed purposes—is very large. Many of them are secret. Freemasonry is quite a power. The number of musicians, not all of perhaps the highest order, is very surprising; and processions and parades of all kinds are favourite occupations or amusements. Somehow, when a procession or parade is passing, the ancient ballad of the Highland clan having "four-and-twenty men, five-and-thirty pipers," comes to mind. On Decoration Day, when the Grand Army of the Republic veterans turn out, and on other occasions, the number of bands, most of them in gay and distinctive uniforms, seems to be countless. It is impossible in this work even to attempt to explain all the merits, and they are many and great, of some of these unions, societies, associations, clubs, and other organisations,—and equally so to denounce in proper terms the objects of others of them. But an exception is made in the case of the Grand Army of the Republic.

The Grand Army of the Republic is composed of the soldiers and sailors and honourably discharged soldiers and sailors of the army, navy, and marine corps of the United States who have consented to this Union, having aided in maintaining the honour, integrity, and supremacy of the National Government during the late Rebellion. Members, except when holding office, are addressed only as "comrade." The organisation is essentially military; and courts-martial may be held on offending members. The present (1887) total number of members may be about 350,000. It

is a permanent association for the following objects, viz. :—

1. To preserve and strengthen those kind and fraternal feelings which bind together the soldiers, sailors, and marines who united to suppress the late Rebellion, and to perpetuate the memory and history of the dead.

2. To assist such former comrades in arms as need help and protection, and to extend needful aid to the widows and orphans of those who have fallen.

3. To maintain true allegiance to the United States of America, based upon a paramount respect for, and fidelity to, its Constitution and laws; to discountenance whatever tends to weaken loyalty, incites to insurrection, treason, or rebellion, or in any manner impairs the efficiency and permanency of our free institutions; and to encourage the spread of universal liberty, equal rights, and justice to all men.

The organisations of the Grand Army of the Republic are—

1. Precinct organisations, known as Post No. , Department of (state or territory), Grand Army of the Republic. But no post shall be named after any living person; and not more than one post in a department shall adopt the same name. The name has to be approved by the department commander.

2. State organisations known, as Department of , Grand Army of the Republic.

3. A national organisation, known as the National Department of the Grand Army of the Republic.

Soldiers and sailors of the United States army, navy, or marine corps, who served between April 12, 1861, and April 9, 1865, in the war for the suppression of the Rebellion, and those having been honourably discharged therefrom after such service, and of such state regiments as were called into active service and subject to the orders of the United States general officers between the dates mentioned, are eligible to membership in the Grand Army of the Republic. No person is eligible to membership who at any time bore arms against the United States.

A post may be formed by the authority of a department commander, or of the commander-in-chief (when no department organisation exists) on the application of not less than ten persons eligible to membership in the Grand Army of the Republic; and no post is recognised by the members of the Grand Army of the Republic unless acting under a legal and unforfeited charter, which is signed by the commander-in-chief and countersigned by the assistant adjutant-general of the department within which the applicants for it reside. Posts rank according to the date of the respective charters. Applications for membership have to be made in writing, and the candidates are put up for ballot. Two black balls in the first twenty balls cast, and one in every subsequent twenty exclude. Those elected have to present themselves for muster within three months from the date of their election. All members of the post in good standing are eligible to any office in the Grand Army of the Republic. Each post may elect a trustee, or not over three trustees, as trustees of the post; and the same number as trustees of the Relief Fund. The officers of the post are elected by ballot, and are a post-commander, a senior and a junior vice-post-commander, an adjutant, a quartermaster, a surgeon, a chaplain, an officer of the day, an officer of the guard, a sergeant-major, a quartermaster's-sergeant. At the first stated meeting in December each post annually elects, from its own members, representatives and an equal number

of alternates to the department encampments. Posts may adopt by-laws not inconsistent with the rules and regulations of the Grand Army of the Republic or the by-laws or orders of the national and department encampments. Not less than six posts of the Grand Army of the Republic in any provisional department may be organised as a department by the commander-in-chief upon their application.

Each department is governed by a department encampment subordinate to the national department, and consists of (1) the department-commander and past-department-commanders; (2) all the post-commanders for the time being throughout its jurisdiction (in the absence of the post-commander the senior or junior vice-post-commander may represent the post); (3) members selected by ballot by the several posts in such ratio as may be determined by a two-thirds vote of the members present, and voting at any previous annual encampment. Alternates may be likewise chosen. The officers of each department are elected by ballot, and are a commander, a senior and a junior vice-commander, an assistant adjutant-general, a quartermaster-general, an inspector, a judge-advocate, a chief mustering officer, a medical director, a chaplain, and a council of administration consisting of the above-named officers and five members elected. The department can adopt suitable by-laws. Representatives to the national encampment are chosen from comrades of the department. All members have the right of appealing through the proper channels from the acts of post or post-commanders and department-commanders or encampments to the next highest authority, and to the commander-in-chief, whose decision is final, unless reversed by the national encampment.

The supreme power of the association is lodged in the national encampment, which is composed of (1) the commander-in-chief, past commanders-in-chief, and past vice-commanders-in-chief, so long as they remain in good standing in their respective posts; (2) commanders, vice-commanders, and assistant adjutants-general of the several departments, and the commander and assistant adjutant-general of each provisional department for the time being (for whom no proxy or substitute can act); (3) of past department commanders who have served for a full term of one year, or who, having been elected to fill a vacancy, have served to the end of the term, so long as they remain in good standing in their several posts; and (4) representatives at large from each department, and one representative from each 1000 members of good standing therein, and one additional representative for a final fraction of more than one-half of that number. Any department having less than 1000 and more than 500 is entitled to one representative in addition to one representative at large. Alternates are likewise elected. Credentials are signed by the commander-in-chief and assistant adjutants-general. All members in good standing are eligible to any national office in the Grand Army of the Republic. The national officers are a commander-in-chief, a senior and a junior vice-commander-in-chief, an adjutant-general, a quartermaster-general, an inspector-general, a judge-advocate-general, a surgeon-general, a chaplain-in-chief, and a council of administration consisting of these officers and one comrade from each department, chosen by ballot. Vacancies are filled by the council of administration.

The national encampment assesses a *per capita* tax on each department,

not exceeding 25 cents per annum. Each department encampment assesses yearly a *per capita* tax on each post, not exceeding $1. Each post, either by its by-laws or by a vote at its last December meeting, may assess a *per capita* tax upon its members, payable quarterly.

Provisional departments are formed in states and territories where the Grand Army of the Republic is not established, by the commander-in-chief appointing and causing to be mustered in a provisional commander, who appoints, with the approval of the commander-in-chief, from the comrades of the Grand Army of the Republic, a senior and a junior vice-commander, an assistant adjutant-general, and an assistant quartermaster-general, and he may appoint four adjutants. The provisional commander, senior and junior vice-commanders, assistant adjutant-general, assistant quartermaster-general, and five comrades elected by the provisional commander, constitute the board of administration. (The writer is indebted to the kindness of John H. Cook, Esq., Quartermaster of Lafayette Post, No. 140, Department of New York, Grand Army of the Republic, for being permitted to look over the rules and regulations of the Grand Army of the Republic.)

The Memorial and Executive Committee of the Grand Army of the Republic appoints the following subcommittees: (1) a committee on public ceremonies and cemeteries; (2) bureau of employment and emergency fund; (3) committee on pensions; (4) committee on legislation; (5) committee on press and printing; (6) committee on transportation; (7) committee on music; (8) committee on soldiers' and sailors' monuments; (9) committee on flowers.

The veterans of the Confederate armies have also an organised association; but as theirs was the losing side, they have to keep in the background, so that ostentatious parades are not much indulged in. They celebrate a Decoration Day, by decorating with flowers the graves of fallen comrades. They have naturally a feeling that they did nothing to be ashamed of, and, like brave men, they bear no malice towards the victors. The veterans of the Northern army have at heart a respect for their former antagonists, and the brave men do not care to express too severe utterances, whether or not they have any acrimonious feelings, unless their political party requires it of them. It is the Northern politicians, seeking office and self-aggrandisement, who won't let sleeping dogs lie, and, clamorously bloodthirsty, welter in blood, in castles in Spain.

It is impossible, in a work of this kind, to set forth the good traits of this conglomerate people. Without long and intimate personal acquaintance with them in social circles and in business pursuits, no one can be said to begin to understand them. Their ways are not those of any particular nation; and it is a fact that many old men, who have passed long lives in the United States, are practically children outside of their usual avocations. Thus the books of mere travellers, or of others who have not been forced to dive beneath the surface, and have not battled with misfortune, or had occasion to stand or fall by the extent of their individual knowledge of the people, and of their ways and laws and institutions, are apt to be biassed by prejudices or unrealised expectations, or by treacherous smiles or sunshine. There is no smarter people on the face of the earth than the citizens of the United States. Male or female, they have each to learn how to push their individual ways, in society and in business, to take care of themselves from childhood; but it is the case that

they act with less deliberation, and with less fear of consequences, than European nations. They take risks, man and woman of them, which to the cautious-going European may seem nothing short of madness. The freedom in intercourse between the sexes, between all classes, with little restraint, is more or less pernicious, according to circumstances, and detrimental to the highest standards of refinement and excellence. It is the same with morals as with water. It is easy to pollute, but difficult to purify. Every one in the United States is liable at any moment to unexpectedly find himself or herself conspicuous in print, and have his or her tenderest and holiest feelings laid bare in the newspaper, or in a civil or criminal court. Then they are criticised and vilified, ridiculed, and morally and socially cut to pieces, by the public and the press; and this they must bear and not wince. It is a rude awakening to the fact that Republican licence is a crown of thorns to some. Many honest men and virtuous women have been run into lunatic asylums and premature graves, or become outcasts, through this persecution; and mercantile agencies, &c., may add their weight in crushing the maligned business man. Society is divided into cliques; and, as a rule, every individual has more or less contempt for the opinion and character of those who do not agree with himself. If he finds intercourse with one clique irksome, or not paying, he takes to another. Life is too short to quarrel; and the astute citizen, if he has been got the better of by a piece of rascality, instead of at least ignoring the party, is more likely to bide his time to get even with him, reasoning that it is bad policy to entirely drop an acquaintance who may some time or other be made of service—who knows?

The reader's attention should be attracted by the manner in which the whole population is, through Congress, kept thoroughly posted as to the several Executive Departments, and the whole United States and state, county, town, village, and city machinery. To enlighten him in this respect, considerable space has been devoted to show the number and kind of reports laid before Congress, &c., the number of copies printed by the public printer, the number of copies distributed gratis, and the manner in which any person can get any number of extra copies printed, also the facility with which any person can get the fullest information, free of charge, by applying at the proper bureau or office, or Department. The writer has, on several occasions, tested the merits of the Federal, state, county, and other public offices, and has always had prompt responses and courteous treatment. There is no unnecessary red-tapism or flummery, and every respectful application, whatever the form, receives attention. Letters addressed, by a total stranger, to the Secretary of State or other officer, beginning with "My dear sir," and ending with "Yours respectfully," or "very respectfully," or even "respectfully," &c., would not be thrown aside with contempt. There is no rule as to the size or quality of paper, or as to the letter being type-printed or in writing, &c. The writer has written to the public printer, inquiring the prices of publications, &c., and, by return mail, received the fullest information. He has sent a postal-note for the price by a letter, mailed Saturday afternoon, in New York, and on Tuesday morning, by 9 A.M., the volumes of the United States statutes were delivered, by mail, free of charge. All public officers are accessible to the people, and are courteous and affable. They may not be the fittest men to perform

the duties of the office, but they know how to be pleasant and friendly, and readily give all assistance in their power, even putting themselves and others to much trouble in excess of their mere official duties, and that free of charge.

In a message forwarded to both Houses of the state legislature, the Governor of the State of New York gave an instructive exposition of abuses more or less prevalent in all state legislatures, and of his ideas concerning the legitimate purposes of legislation by a state legislature. This message is worthy of a careful perusal, and is given *in extenso* as follows, viz. :—

"STATE OF NEW YORK, EXECUTIVE CHAMBER, ALBANY, *March* 30, 1887.

"To the Legislature.

"I deem it my duty to call your attention to the increase of special and local legislation during recent years, and to suggest the propriety of considering some plan for relief. It is evident that the greater portion of the session of each legislature is occupied with the consideration of special and local measures having no relation to the state at large, and that such consideration involves the exclusion of general measures affecting the people of the whole state. This evil was recognised, and was in part remedied, by the adoption of the constitutional amendments of 1874, which prohibited certain private and local legislation which it had theretofore been customary to enact, and expressly empowered the legislature to frame general laws for such cases, and for all other cases which, in their judgment, may be provided for by general laws.

"The salutary effect of these amendments was soon evinced by the passage of more general and fewer special laws, besides reducing the whole volume of legislation, the number of laws enacted in 1876 being only 448 and in 1878 only 418, while in 1869 the number had risen to 920, and in 1871 to 946. But it is quite apparent that the constitutional power vested by these amendments in the legislature for the prevention of special and local legislation has not been exercised as entirely and perfectly as is desirable.

"The number of laws enacted during the past five years has been steadily increasing, notwithstanding a liberal use of the veto power by the Executive. This fact is shown by the following statement taken from the session laws, showing the number of laws enacted: In 1882, 410; 1883, 523; 1884, 551; 1885, 557; 1886, 681. It may be safely asserted that much of this legislation is not absolutely required, or could be avoided by the passage of general laws. There is always danger of too much rather than too little legislation.

"The difficulty appears to be—and I state it with all due respect to the legislature — that the members are apparently too desirous of obliging their immediate constituents by the procurement of special and local legislation in their behalf rather than by accomplishing the objects of such legislation by the passage of general laws applicable to the whole state and for the benefit of all the people. And the Executive, anxious to gratify the members as far as he can reasonably do so in the discharge of his official duty, too easily yields his convictions of duty and propriety, and too frequently approves not only unnecessary legislation, but legislation of questionable utility and doubtful benefit.

"The true remedy lies in the legislature's fully availing itself of the power which it clearly possesses to suppress such legislation by rendering it unnecessary and undesirable in perfecting a series of general laws

embracing all the subjects usually covered by such enactments. The present session is more than half over, and 20 more laws have been enacted up to this time than at the same period last year, and there are now on the files of the two Houses, reported from the various committees, 1273 proposed laws—an almost unprecedented number. Of the 97 laws already enacted, there are only about 25 that can be considered general in their character, and of these 5 are amendments to the code.

"The important measures of general interest which were early introduced do not seem to have made much progress yet, but it may be assumed that they have been crowded out and retarded by the great pressure of special and local legislation. It is clear that further general laws should be passed for the organisation of corporations, as well as laws conferring greater powers upon the local authorities of municipalities and boards of supervisors, providing for uniform tax laws in the various counties and a uniform law of exemption, enlarging the powers of the courts for changing the names of corporations, and many other laws of like character.

"I believe in the principle of home rule, and favour its practical application to all cities, villages, and towns of the state. They should be permitted to govern themselves in all matters of purely local concern without the intervention of the legislature. I cannot see the propriety in those municipalities applying to the legislature for authority every time they desire to make a special improvement, or to raise an extra amount of tax, or to create additional indebtedness, or to issue further bonds whenever it is deemed expedient to open a new street, or to alter a city map, or to erect new school buildings, or to construct a sewer, or to pave a street, or to build a bridge. They should have the power to do so under well-grounded restrictions. No application should be made to the legislature where it can properly be avoided. The valuable time of the legislators of our great state should not be occupied in such comparatively unimportant matters, or matters of purely local importance.

"The local authorities can as well be trusted for a proper disposition of such questions as the legislature, because every one familiar with the methods or course of legislation knows that the enactment of local bills is practically left to the discretion of the local representative, and his desires are generally controlling. While in form a bill is deemed to express the wisdom and will of the whole legislature, in truth and in fact its provisions only express the wishes of the immediate representative of the locality interested. All such matters can more safely be remitted to the local authorities, and the time of the legislature can better be occupied in the consideration of important general measures now too much neglected.

"David Dudley Field, in his recent admirable address before the State Bar Association, stated that each statute enacted last year cost the state the sum of $734, and it appears from an inspection of session laws that of the 681 laws of last year there were only 249 that can properly be considered of a general character. A wise economy will be promoted, as well as the best interests of the state be subserved, by an earnest effort to diminish the number of superfluous laws. Instead of constantly amending the charters of our cities, or passing special enactments conferring temporary powers whenever any extra authority is desired, there should be a general statute passed providing for such cases, with ample safeguards surrounding the authorisation.

"The special legislation concerning

the city of Rochester furnishes a fair illustration of this point. Almost every year since the revision of its charter in 1880 special Acts have been passed authorising the common council to levy amounts to build schoolhouses in addition to that allowed by its charter for school-building purposes. Another Act has been passed by the present legislature authorising a further levy of $55,000 for additional school-buildings; and, while deploring such a system of legislation, I have permitted the same to become a law without my signature. There is also a certain village in the state which applies to the legislature for a special law every time it desires to build a new sewer or to make any other improvement, and the member who represents that district very frankly asserts to me that the people of the village prefer to be governed from Albany rather than at home. The system must be regarded as a pernicious one, however, and should not be continued. Twenty-two special Acts relating to Albany City and its affairs were passed by the last legislature. Other cities have almost an equally unenviable record.

"While uniform city charters may not be feasible, certain general additional powers of local legislation may appropriately be conferred, which will very greatly dispense with any pretended necessity for frequent legislative interference. So long as special legislation is easily procured and readily approved, so long will there be delay in any reform in this matter. The system, or abuse, of special legislation is the growth of years, and has been occasioned by the absence of general laws covering the subjects upon which legislation is desired. The evil cannot be immediately remedied, and certainly not by the passage of hastily conceived or ill-digested measures, but only by a series of carefully prepared and well-considered general laws which cannot readily or conveniently be framed by the members themselves during a busy legislative session.

"I therefore desire to suggest for your consideration the propriety of the passage of an Act authorising the appointment of a commission of three persons familiar with the law and legislative proceedings to prepare and submit to the next legislature a series of general laws upon such subjects as may be specified in the Act, or as the commissioners may deem proper and expedient. David B. Hill."



PART I.

THE DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organising its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them

to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the state remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalisation of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws: giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves in-

vested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilised nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind — enemies in war, in peace, friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

New Hampshire.—Josiah Bartlett, William Whipple, Matthew Thornton.

Massachusetts Bay.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island, &c.—Stephen Hopkins, William Ellery.

Connecticut.—Roger Sherman, Samuel Huntingdon, William Williams, Oliver Wolcott.

New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey.—Richard Stockton,

John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania. — Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware.—Cæsar Rodney, George Read, Thos. M'Kean.

Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

Virginia.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, jr., Francis Lightfoot Lee, Carter Braxton.

North Carolina.—William Hooper, Joseph Hewes, John Penn.

South Carolina. — Edward Rutledge, Thomas Hayward, jr., Thomas Lynch, jr., Arthur Middleton.

Georgia. —Button Gwinnett, Lyman Hall, George Walton.

THE ARTICLES OF CONFEDERATION.

IN CONGRESS, JULY 9, 1778.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION, BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

ART. 1. The style of this confederacy shall be "THE UNITED STATES OF AMERICA."

ART. 2. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in congress assembled.

ART. 3. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4, SEC. 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states (paupers, vagabonds, and fugitives from justice excepted) shall be entitled to all privileges and immunities of free citizens in the several states, and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state, of which the owner is an inhabitant: *Provided, also*, that no imposition, duties, or restriction, shall be laid by any state on the property of the United States, or either of them.

SEC. 2. If any person guilty of, or charged with treason, felony, or other

high misdemeanour in any state, shall flee from justice, and be found in any of the United States, he shall, upon the demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

SEC. 3. Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ART. 5, SEC. 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November of every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

SEC. 2. No state shall be represented in congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.

SEC. 3. Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of these states.

SEC. 4. In determining questions in the United States in congress assembled, each state shall have one vote.

SEC. 5. Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ART. 6, SEC. 1. No state, without the consent of the United States in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

SEC. 2. No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

SEC. 3. No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

SEC. 4. No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in congress assembled, for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as, in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of

such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

Sec. 5. No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of delay till the United States in congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

Art. 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

Art. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in congress assembled.

Art. 9, Sec. 1. The United States in congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of congress shall be appointed a judge of any of the said courts.

Sec. 2. The United States in con-

gress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen: and from that number not less than seven nor more than nine names, as congress shall direct, shall, in the presence of congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear to defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress, for the security of the parties concerned: *Provided*, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward:" *Provided, also*, that no state shall be deprived of territory for the benefit of the United States.

SEC. 3. All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdiction, as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

SEC. 4. The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and

measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated; establishing and regulating post offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the offices of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

SEC. 5. The United States in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated "*A Committee of the States*," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled; but if the United States in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

SEC. 6. The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a

commander-in-chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

SEC. 7. The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ART. 10. The committee of the states, or any nine of them, shall be authorised to execute, in the recess of congress, such of the powers of congress as the United States in congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the congress of the United States assembled, is requisite.

ART. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every state shall abide by the determination of the United States in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterward confirmed by the legislature of every state.

And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in congress to approve of, and to authorise us to ratify, the said articles of confederation and perpetual union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respec-

tively represent, and that the union shall be perpetual. In witness whereof, we have hereunto set our hands, in congress.

Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the Independence of America.

On the part and behalf of the state of New Hampshire.—Josiah Bartlett, John Wentworth, jr. (August 8, 1778).

On the part and behalf of the state of Massachusetts Bay.—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.

On the part and behalf of the state of Rhode Island and Providence Plantations.—William Ellery, Henry Marchant, John Collins.

On the part and behalf of the state of Connecticut. — Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.

On the part and behalf of the state of New York.—James Duane, Francis Lewis, William Duer, Gouv. Morris.

On the part and behalf of the state of New Jersey.—John Witherspoon, Nath. Scudder (November 26, 1778).

On the part and behalf of the state of Pennsylvania. — Robert Morris, Daniel Roberdeau, Jona. Bayard Smith, William Clingan, Joseph Reed (July 22, 1778).

On the part and behalf of the state of Delaware.—Thomas M'Kean (February 12, 1779), John Dickinson (May 5, 1779), Nicholas Van Dyke.

On the part and behalf of the state of Maryland.—John Hanson (March 1, 1781), Daniel Carroll (March 1, 1781).

On the part and behalf of the state of Virginia.—Richard Henry Lee, John Banister, Thomas Adams, Jno. Harvie, Francis Lightfoot Lee.

On the part and behalf of the state of North Carolina.—John Penn (July 21, 1778), Corns. Harnett, John Williams.

On the part and behalf of the state of South Carolina.—Henry Laurens, William Henry Drayton, Jno. Matthews, Richard Hutton, Thos. Heyward, jr.

On the part and behalf of the state of Georgia.—Jno. Walton (July 24, 1778), Edwd. Telfair, Edward Langworthy.

THE CONSTITUTION OF THE UNITED STATES.

We, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

1. *Legislative powers.*—All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION II.

1. *Members of the house of repre-*

senatives—how chosen.—The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. *Qualification of members of house of representatives.*—No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. *Apportionment of representatives and direct taxes. Census—when to be taken.*—Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. *Vacancies—how filled.*—When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill up such vacancies.

5. *House of representatives has power of impeachment.*—The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

1. *Senate—how to be chosen.*—The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. *Senators classed. Vacancies in recess—how filled.*—Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year: so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. *Qualification of senator.*—No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. *Vice-president.*—The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

5. *Senate to choose their officers.*—The senate shall choose their other officers, and also a president *pro tem-*

pore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

6. *Try impeachments.*—The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. *Judgment in case of impeachment.*—Judgment, in case of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

1. *Manner of electing members of congress.* — The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. *Congress to assemble annually.*— The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. *Elections—how judged. Quorum of senate and house of representatives.* —Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. *Rules.*—Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

3. *Journals by each house.*—Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. *Adjournment.* — Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

1. *Compensation. Privileges. Arrests.*—The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. *Exclusion from office.*—No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the

United States shall be a member of either house during his continuance in office.

SECTION VII.

1. *Revenue bills—how passed.*—All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

2. *Bills, their formalities. Where to be returned by the president. Two-thirds may pass bills, he objecting. When bills to be returned.* — Every bill which shall have passed the house of representatives and the senate shall, before it become a law, be presented to the president of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. *Orders, resolutions, and votes to be approved by the president.*—Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, except on a question of adjournment, shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The congress shall have power—

1. *Congress to lay taxes, duties, &c.*—To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. *Borrow money.* — To borrow money on the credit of the United States:

3. *To regulate commerce, &c.*—To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. *Naturalisation, &c.*—To establish a uniform rule of naturalisation, and uniform laws on the subject of bankruptcies throughout the United States:

5. *Coin money.*—To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. *Counterfeiting punished.* — To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. *Post-offices, &c.*—To establish post offices and post-roads:

8. *Copyright and patent.*—To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

9. *Inferior courts.*—To constitute

tribunals inferior to the supreme court:

10. *Piracies, &c.*—To define and punish piracies and felonies committed on the high seas, and offences against the laws of nations:

11. *Declare war.*—To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. *Raise armies.*—To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years:

13. *Navy.*—To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. *Militia.*—To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

16. *Organise the militia.*—To provide for organising, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

17. *Exclusive legislation over ten miles.*—To exercise exclusive legislation in all cases whatsoever, over such district, not exceeding ten miles square, as may, by cession of particular states and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and—

18. *Make laws necessary and proper, &c.*—To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION IX.

1. *Limitations of the powers of congress. Importation of persons after 1808.*—The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. *Habeas corpus.*—The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. *Attainder.*—No bill of attainder, or *ex post facto* law, shall be passed.

4. *Capitation and direct tax.*—No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. *No exportation duty or preference in commerce or tunnage.*—No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. *Money, how to be drawn.*—No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. *No title of nobility to be conferred, &c.*—No title of nobility shall be granted by the United States, and no person holding any office of profit

or trust under them shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.

1. *Limitations of the powers of the states.*—No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. *States not to lay imposts. States not to lay any duty of tunnage, &c.*—No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tunnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

1. *The executive power.*—The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

2. *Electors, how appointed.* Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3. *Electors to meet and vote. Proceedings.*—The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the

choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.*]

4. *Electors, when to meet.* — The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. *Qualifications of president of the United States.*—No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president: neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. *In case of the removal, &c., of the president, his powers and duties to devolve on the vice-president.*—In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.†

7. *President of the United States, his compensation.* — The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. *Oath of office.*—"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SECTION II.

1. *Powers of the president of the United States.*—The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for all offences against the United States, except in cases of impeachment.

2. *Make treaties, and appoint officers, with consent of the senate.*—He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments.

[* Altered; see amend. art. 12.]

† See pp. 95 and 96.

3. *Fill vacancies in office in recess of the senate.*—The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

1. *Further powers and duties of the president.*—He shall, from time to time, give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

1. *Civil officers removable by impeachment.*—The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanours.

ARTICLE III.

SECTION I.

1. *Judicial powers and tenure of the judges.*—The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION II.

1. *Extent of the judicial power. See amendment, Article* 11.—The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof, and foreign states, citizens or subjects.

2. *Jurisdiction of supreme court.*—In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

3. *Trials by jury.*—The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may, by law, have directed.

SECTION III.

1. *Treason.*—Treason against the United States shall consist only in

levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. *Attainder.*—The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

1. *Acts, records, &c., of states accredited.*—Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

1. *Citizenship.* — The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. *Fugitive criminals.* — A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. *Fugitive slaves.*—No person held to service or labour in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

SECTION III.

1. *Of new states.*—New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned, as well as of the congress.

2. *Territory of the United States.*—The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION IV.

1. *Republican form of government guaranteed.*—The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive, when the legislature cannot be convened, against domestic violence.

ARTICLE V.

1. *Of amendments to the constitution.*—The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided,

that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

1. *Debts prior to the adoption of the constitution.*—All debts contracted and engagements entered into before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

2. *Force of the constitution, laws, and treaties of the United States.*—This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

3. *Oath to support the constitution. Religious test.*—The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution : but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. *Ratification.*—The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President, and deputy from Virginia.*

New Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—William Samuel Johnson, Roger Sherman.

New York.—Alexander Hamilton.

New Jersey.—William Livingston, David Brearly, William Patterson, Jonathan Dayton.

Pennsylvania.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware.—George Read, Gunning Bedford, jr., John Dickinson, Richard Bassett, Jacob Broom.

Maryland.—James M'Henry, Daniel of St Thomas Jenifer, Daniel Carroll.

Virginia.—John Blair, James Madison, jr.

North Carolina.—William Blount, Richard Dobbs Spaight, Hugh Williamson.

South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia.—William Few, Abraham Baldwin.

Attest : WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

[The following amendments were proposed at the first session of the first Congress of the United States, which was begun and held at the city of New York, on the 4th of March 1789, and were adopted by the requisite number of states. Vol. i. of the Laws of the United States, p. 72.]

ARTICLE I.

1. *Free exercise of religion, freedom of speech and of the press, and the right of petition.* — Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

1. *Right to bear arms.*—A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

1. *Soldiers not to be quartered.*—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

1. *People to be secured against unreasonable searches and seizures.*—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

1. *Criminal proceedings regulated. Private property not to be taken, &c.*—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

1. *Trial by jury secured in criminal proceedings, &c.*—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

ARTICLE VII.

1. *Trial by jury in common law cases, when to be had.*—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a

jury shall be otherwise re-examined in any court of the United States, than according to the rules at the common law.

ARTICLE VIII.

1. *Excessive bail.*—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

1. *Rights retained by people.*—The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

1. *Powers not granted, &c., are reserved.*—The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

[The following amendment was proposed at the second session of the third Congress. It is printed in the Laws of the United States, vol. i. p. 73, as article 11.]

ARTICLE XI.

1. *States not to be sued, &c.*—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

[The three following sections were proposed as amendments at the first session of the eighth Congress. They are printed in the Laws of the United States as article 12.]

ARTICLE XII.

1. *Manner of choosing president. House of representatives, when to choose the president. If president not chosen, vice-president to act as such.*—The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. *Senate, when to elect the vice-president.*—The person having the greatest number of votes as vice-

president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

ARTICLE XIII.

SEC. I. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. II. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SEC. 1. *Who are citizens of the United States and of the states. Their privileges and immunities.*—All persons born or naturalised in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. *Apportionment of representation.*—Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. *Certain persons disqualified for holding office. How disability removed.* — No person shall be a senator, or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof; but congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. *Validity of the public debt not to be questioned. Certain debts and obligations not to be assumed.*—The validity of the public debt of the United States authorised by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the

loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. *Congress may enforce this article.* — The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SEC. 1. *Right of citizen to vote shall not be denied.*—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, colour, or previous condition of servitude.

SEC. 2. *Congress may enforce this article.* — The congress shall have power to enforce this article by appropriate legislation.

NOTE.—The first ten of the foregoing amendments were proposed at the first session of the First Congress held under the Constitution; the eleventh amendment was proposed at the second session of the Third Congress; the twelfth, at the first session of the Eighth Congress; the thirteenth, at the second session of the Thirty-eighth Congress; the fourteenth, at the first session of the Thirty-ninth Congress; and the fifteenth, at the third session of the Fortieth Congress, and were all adopted by the number of states required by the fifth article of the original constitution. The thirteenth amendment was adopted December 18, A.D. 1865; the fourteenth, July 20, 1868; and the fifteenth, March 30, 1870.

WASHINGTON'S FAREWELL ADDRESS.

September 17, 1796.

FRIENDS AND FELLOW-CITIZENS,— The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest—no deficiency of respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture

of affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organisation and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary for me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honours it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amid appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing wishes that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which ap-

pear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend who can possibly have no personal motive to bias his counsel; nor can I forget as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken, in your minds, the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of *American*, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are generally outweighed by those which apply more immediately to your interest; here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The north, in an unrestrained intercourse with the south, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The south, in the same intercourse, benefiting by the same agency of the north, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the north, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The east, in like intercourse with the west, in the pro-

gressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The west derives from the east supplies requisite to its growth and comfort; and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of the indispensable outlets for its own productions to the weight, influence, and future maritime strength of the Atlantic side of the union, directed by an indissoluble community of interest as one nation. Any other tenure by which the west can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighbouring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the UNION as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorised to hope that a proper organisation of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavour to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern, that any ground should have been furnished for characterising parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavour to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the

executive, and in the unanimous ratification by the senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties — that with Great Britain and that with Spain — which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely, for the preservation of these advantages, on the UNION by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government; but the constitution which, at any time, exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organise faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community, and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your

government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be, to effect, in the forms of the constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that, from the efficient management of your common interests, in a country so extensive as ours, a government of as much vigour as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists, under different shapes, in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another, foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself, through the channels of party passion. Thus the policy and will of

one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favour, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From the natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments, ancient and modern—some of them in our country, and under our own eyes. To preserve them, must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labour to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it be simply asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it,

can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it, is to use it as sparingly as possible; avoiding occasions of expense, by cultivating peace, but remembering, also, that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential you should practically bear in mind that, toward the payment of debts, there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages that might be lost by a steady adherence to it? Can it be that Providence has connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices.

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in the place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another a habitual hatred or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions and obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and

adopts through passion what reason would reject. At other times, it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favourite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and the wars of the latter, without adequate inducements or justification. It leads, also, to concessions to the favourite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens, who devote themselves to the favourite nation, facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influences in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak nation toward a great and powerful one, dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favourite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may

defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humour, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronising infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favours or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the stream of commerce, but forcing nothing; establishing with powers so disposed (in order to give trade a stable course, to define the rights of our merchants, to enable the government to support them) conventional rules of intercourse, the best that present circumstances and natural opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favours from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favours, and yet of being reproached with ingratitude for not having given more. There can be no greater error than to expect or calculate upon real favours from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old affectionate friend, I dare not hope that they will make the strong and lasting impression I could wish — that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good — that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and the other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own con-

science is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavour to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectations that retreat in which I promise myself to realise without alloy the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favourite object of my heart, and the happy reward, as I trust, of our mutual cares, labours, and dangers.

GEORGE WASHINGTON.

UNITED STATES, *September* 17, 1796.

THE CONGRESS.

The legislature of each state, which is chosen next preceding the expiration of the time for which any senator was elected to represent such state in Congress, on the second Tuesday after the meeting and organisation thereof, elects a senator in Congress thus:—Each House openly, by *viva voce* vote of each member present, names one person for such senator, and the name of the person so voted for who receives a majority of the whole number of votes cast in each House is entered on the journal of that House by the clerk or secretary thereof; or if either House fails to give such majority to any person on that day, the fact is entered on the journal. At twelve o'clock meridian of the following day the members of the two Houses convene in joint-assembly, and the journal of each House is then read, and if the same person has received a majority of all the votes in each House, he is declared duly elected senator. But if not, or if either House has failed to take proceedings as required by statute, the joint-assembly then proceeds to choose by a *viva voce* vote of each member present a person for senator; and the person who receives a majority of all the votes of the joint-assembly — a majority of all the members elected to both Houses being present and voting—is declared duly elected. If no person receives such majority on the first day, the joint-assembly meets at twelve o'clock meridian of each succeeding day during the session of the legislature, and takes at least one vote until a senator is elected. Whenever on the meeting of the legislature of any state a vacancy exists in the representation of such state in the senate, the legislature proceeds on the second Tuesday after the meeting and organisation to elect a person to fill such vacancy in the manner described. Whenever during the session a vacancy occurs, similar proceedings to fill such vacancy are had on the second Tuesday after the legislature has organised and has notice of the vacancy. It is the duty of the executive of the state from which any senator has been chosen to certify his election under the seal of the state to the President of the Senate of the United States, and this certificate is countersigned by the secretary of state of the state. Each state is represented by two senators, so that there were seventy-six senators chosen for the forty-ninth Congress.

The total number of members of the House of Representatives elected for the forty-ninth Congress (March 4, 1885, to March 4, 1887) was 325, apportioned among the several states as follows:—

1.	Alabama	8
2.	Arkansas	5
3.	California	6
4.	Colorado	1
5.	Connecticut	4
6.	Delaware	1
7.	Florida	2
8.	Georgia	10
9.	Illinois	20
10.	Indiana	13
11.	Iowa	11
12.	Kansas	7
13.	Kentucky	11
14.	Louisiana	6
15.	Maine	4
16.	Maryland	6
17.	Massachusetts	12
18.	Michigan	11
19.	Minnesota	5
20.	Mississippi	7
21.	Missouri	14
22.	Nebraska	3
23.	Nevada	1
24.	New Hampshire	2
25.	New Jersey	7

26.	New York	34
27.	North Carolina	9
28.	Ohio	21
29.	Oregon	1
30.	Pennsylvania	28
31.	Rhode Island	2
32.	South Carolina	7
33.	Tennessee	10
34.	Texas	11
35.	Vermont	2
36.	Virginia	10
37.	West Virginia	4
38.	Wisconsin	9

Whenever a new state is admitted to the Union, the representatives assigned to it are in addition to the total previous number of representatives in Congress. Should any state deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age and citizens of the United States, to vote at any election named in the Amendment to the Constitution, article 14, section 2, except for participation in the Rebellion, or other crime, the number of representatives apportioned to such state is reduced in the proportion which the number of such male citizens have to the whole number of male citizens twenty-one years of age in such state. In each state entitled to more than one representative, the number to which such state is entitled is elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of representatives to which such state is entitled in Congress, no one district electing more than one representative. The Tuesday next after the first Monday in November in every second year after the year 1876 is established as the day for the election in each of the states and territories of the United States of representatives and delegates to Congress, commencing on the fourth day of March next thereafter; but this does not apply to any state that has not yet changed its day of election, and whose constitution must be amended in order to effect a change in the day of the election of state officers in said state. The time for holding elections in any state district or territory for a representative or delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several states and territories respectively. All votes for representatives in Congress must be by written or printed ballots; and all votes otherwise received or recorded are of no effect.

The oath of office is administered by the president of the Senate to each senator previous to his taking his seat; and when the president of the Senate has not taken the oath of office, it is administered to him by any member of the Senate. At the first session of Congress after every general election of representatives, the oath of office is administered by any member of the House of Representatives to the Speaker, and by the Speaker to all the members and delegates present; and to the members and delegates who afterward appear previous to their taking their seats. Before the first meeting of each Congress, the clerk of the next preceding House of Representatives makes a roll of the representatives elect, and places thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their states respectively, or the laws of the United States. In case of a vacancy in the office of such clerk, or of his absence or inability to discharge the duties imposed on him by law or custom relative to the preparation of the roll of representatives or the organisation

of the House, those duties devolve on the sergeant-at-arms of the next preceding House of Representatives. In case of vacancies in the offices of both the clerk and the sergeant-at-arms, or of the absence or inability of both to act, the said duties of the clerk are performed by the door-keeper of the next preceding House of Representatives. Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the members to meet at the seat of government, the President is authorised, by proclamation, to convene Congress at such other place as he may judge proper.

Each senator, representative, and delegate is entitled to a salary (except as to the Speaker) of $5000—an allowance of $125 per annum for stationery and newspapers, and 20 cents per mile for actual individual travelling expenses from their homes to the seat of government and return, by the most direct route of usual travel once for each session. Whenever there is no Vice-President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice-President, $8000. The Speaker of the House of Representatives is entitled to receive in full for all his services compensation at the rate of $8000. Each member and delegate, after he has taken and subscribed the required oath, is entitled to receive his salary ($5000 per annum) at the end of each month. The secretary of the Senate and sergeant-at-arms of the House respectively deduct from the monthly payments of each member or delegate the amount of his salary for each day that he has been absent from the Senate or House respectively, unless such member or delegate assigns as the reason for such absence the sickness of himself or of some member of his family. When any member or delegate withdraws from his seat and does not return before the adjournment of Congress, he, in addition to the sum deducted for each day, forfeits a sum equal to the amount which would have been allowed by law for his travelling expenses in returning home; and such sum is deducted from his compensation unless the withdrawal is with the leave of the Senate or House of Representatives respectively. When any book is ordered to and received by any member or delegate, by a resolution of either or both Houses of Congress, the price paid for the same is deducted from the compensation of such member or delegate, except books ordered to be printed by the public printer during the Congress for which the member or delegate was elected. The compensation of members and delegates is passed as public accounts, and paid out of the public Treasury. The salary and accounts for travelling expenses are certified, as the case may be, by the President of the Senate or the Speaker of the House of Representatives, and the certificates, given as stated, are conclusive upon all the departments and officers of the Government. When any person who has been elected a member of, or delegate in, Congress dies after the commencement of the Congress to which he has been elected, his salary is computed and paid to his widow, or if no widow survive him, to his heirs-at-law, for the period that has elapsed from the commencement of such Congress, or from the last payment received by him, to the time of his death, at the rate of $5000 a-year, with any travelling expenses remaining due, but such salaries are computed and paid, in all cases, for a period of not less than three months from the commencement of the Congress. Whenever a vacancy occurs

in either House of Congress, by death or otherwise, of any member or delegate, elected or appointed thereto after the commencement of the Congress to which he was elected or appointed, the person elected or appointed to fill it is compensated and paid from the time that the compensation of his predecessor ceased.

The monies appropriated for the compensation of members and officers, and for the contingent expenses of the Senate, are paid at the Treasury on requisitions drawn by the secretary of the Senate, and are kept disbursed and accounted for by him according to law, and he is deemed a disbursing officer. Within thirty days after entering upon the duties of his office, and before making any such requisition upon the Treasury, he gives a bond to the United States with one or more sureties to be approved by the first comptroller of the Treasury in the penal sum of $20,000, conditioned for the faithful application and disbursement of such funds as may be so drawn by him. The clerk of the House of Representatives in like manner, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the monies appropriated for the contingent expenses of the House, gives a similar bond with sureties. These bonds are deposited in the office of the first comptroller of the Treasury. The secretary of the Senate and clerk of the House of Representatives prepare and submit to the two Houses respectively, at the commencement of each session of Congress, the following statements in writing: 1. A statement showing the names of all the clerks and other persons employed during the preceding year, or any part thereof, in their respective offices, and those of the messengers of the respective Houses; together with the time that each clerk, &c., was actually employed, and the sums paid to each. This statement must also show whether such clerks, &c., have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service; and whether the removal of any particular persons and the appointment of others in their stead is required for the better despatch of business. 2. A statement, by items, of the manner in which the contingent fund for each House has been expended during the preceding fiscal year. This statement must give the names of every person to whom any portion of the fund has been paid; and if for anything furnished, the quantity and price; and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary, and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. Each of these statements exhibits also the several sums drawn by the secretary and clerk respectively from the Treasury, and the balances, if any, remaining in their hands.

The secretary and the clerk each require of the disbursing officers acting under their direction or authority, the return of precise and analytical statements and receipts for all monies expended by them, and the results of such returns, and the sums total are communicated annually to Congress by the secretary and clerk respectively. They also, as soon as may be after the close of each session of Congress, prepare and publish a statement of all appropriations made during the session, a statement of the new offices created and the salaries attached to each, and a statement of the offices and the salaries attached to which are increased, and the

amount of such increase. They advertise once a-week, for at least four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives respectively, during the next session, with the necessary stationery, describing the kind of stationery required, and they must require the proposals to be accompanied with sufficient security for their performance. This does not prevent the secretary or clerk from contracting for separate parts of the supplies of stationery required to be furnished. The secretary and clerk, in disbursing the public moneys for the use of the two houses respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture.

They respectively report to Congress, on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers.

They are respectively entitled, for transcribing and certifying extracts from the journal of the Senate, or the executive journal of the Senate when the injunction of secrecy has been removed, or from the journal of the House of Representatives, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the person for whom such transcripts are prepared the sum of ten cents for each sheet containing 100 words.

The secretary of the Senate, the clerk of the House of Representatives, the sergeant-at-arms, the postmasters of the Senate and House of Representatives, and the door-keeper of the House of Representatives, severally make out and return to Congress, on the first day of each regular session, and at the expiration of their respective terms of service, a full and complete account of all property belonging to the United States in their possession respectively at the time of returning such account.

The door-keepers of the Senate and House of Representatives perform the usual services pertaining to their respective offices during the session of Congress; and in the recess, under the direction of the secretary of the Senate and clerk of the House of Representatives, take care of the apartments occupied by the respective houses, and provide fuel and other accommodation for their subsequent session.

The joint - committee on public printing appoints a competent person to edit such portion of the documents accompanying the annual reports of the departments as they may deem suitable for popular distribution, and prepare an alphabetical index thereto. No payment is made from the contingent fund of either house of Congress, unless sanctioned by the committee to audit and control the contingent expenses of the Senate, or the committee on accounts of the House of Representatives respectively. A Congressional Directory is compiled at each session of Congress, under the direction of the joint-committee on public printing, and the first edition for each session is ready for distribution within one week after the commencement thereof. Until a contract for publishing the debates of

Congress is made, these debates are printed by the public printer, under the direction of the joint-committee on public printing on the part of the Senate.

The Library of Congress.

The Library of Congress, composed of the books, maps, and other publications which now remain in existence from the collections united under the Act of January 26, 1802, chap. 2; the resolution of October 21, 1814; the Act of January 30, 1815, chap. 27; the Act of June 25, 1864, chap. 147, sec. 1; the resolution of July 25, 1866; the Act of March 2, 1867, chap. 167, sec. 1; and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, deposit to secure copyright, and otherwise, is preserved in the Capitol, in the rooms which were, on the 4th day of July 1872, appropriated to its use, and in such others as may be assigned thereto. It is arranged in two departments — a general library and a law library. The unexpended balance of any sums appropriated by Congress for the increase of the general library, together with such sums as may be appropriated to the same purpose, are laid out under the direction of a joint-committee of Congress upon the library, consisting of three members of the Senate and three members of the House of Representatives. The incidental expense of the law library is paid out of the appropriation for the Library of Congress. The librarian makes the purchases of books for the law library under the direction of and pursuant to the catalogue furnished him by the Chief-Justice of the Supreme Court.

The joint-committee upon the library is authorised to establish regulations not inconsistent with law, in relation to the Library of Congress, or either department thereof, and from time to time to alter, amend, and repeal the same; but such regulations as to the law library are subject to those imposed by the justices of the Supreme Court, as afterwards stated. And until they impose new regulations or restrictions, the care and business of the library continues to be regulated by such rules as may have been imposed by any lawful authority. The joint-committee may at any time exchange or otherwise dispose of duplicates, injured or wasted books of the library, or documents, or any other matter in the library not deemed proper to it, as they deem best; also from time to time appoint such agents as they deem requisite to carry into effect the donation and exchange of documents and other publications placed at their disposal for the purpose. The President solely appoints from time to time a librarian to take charge of the Library of Congress; and this librarian, before entering upon the duties of his office, gives a bond payable to the United States in such a sum and with such security as the joint-committee deem sufficient for the safe keeping of the books, maps, and furniture confided to his care, and for the faithful discharge of his trust, according to regulations established for the government of the library. This bond is deposited in the office of the secretary of the Senate. The librarian is entitled to a salary of $4000 a-year, and has numerous assistants at varying salaries.

No map is to be taken out of the library by any person, and no book except by the President, the Vice-President, senators, representatives, and delegates in Congress. The joint-committee can grant the privilege of using and drawing books from the library in the same manner and sub-

ject to the same regulations as members of Congress, to any of the following persons: 1st, heads of departments; 2d, the chief-justice and associate justices, the reporter and clerk of the Supreme Court; 3d, members of the diplomatic corps; 4th, the judges and clerk of the Court of Claims; 5th, the solicitor-general and assistant attorneys-general; 6th, the secretary of the Senate; 7th, the clerk of the House of Representatives; 8th, the chaplains of the two Houses of Congress; 9th, the solicitor of the Treasury; 10th, the financial agent of the joint-committee of the library; 11th, the Smithsonian Institution, through its secretary; 12th, any person when in the District of Columbia who has been President.

The justices of the Supreme Court have free access to the law library, and they are authorised to make regulations not inconsistent with law for the use of the same during the sittings of the court. But such regulations do not restrict any person authorised to take books from the library from having access to the law library, or using the books therein, in the same manner as he may be entitled to use the books of the general library.

Two copies of the journals and documents, and of each book printed by either House of Congress, well bound in calf, are deposited in the library, and must not be taken therefrom. Twenty-five copies of the public journals of the Senate and of the House of Representatives are deposited in the library, to be delivered to members of Congress during any session, and to all other persons authorised by law to use the books in the library, upon their application to the librarian, and giving their responsible receipts for the same, in like manner as for other books.

The library collected by the Smithsonian Institution under the provisions of the Act of August 10, 1846, chap. 25, and removed from the building of that institution, with the consent of the regents thereof, to the Library of Congress, are while there deposited, subject to the same regulations as the Library of Congress, except that the Smithsonian Institution has the use thereof in like manner as before its removal; and the public has access thereto, for purposes of consultation, on every ordinary week-day except during one month in each year, in the recess of Congress, when it may be closed for renovation. All the books, maps, and charts of the Smithsonian Library are properly cared for and preserved in like manner as are those of the Congressional Library, from which the Smithsonian Library shall not be removed except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the regents of the institution.

THE PRESIDENT.

Presidential Elections.

Except in case of a Presidential election prior to the ordinary period, as after stated, when the offices of President and Vice-President both become vacant, the electors of President and Vice-President are appointed in each state on the Tuesday next after the first Monday in November in every fourth year succeeding every election of a President and Vice-President. The number of electors is equal to the number of senators and

representatives to which the several states are by law entitled at the time when the President and Vice-President to be chosen come into office; except that, where no apportionment of representatives has been made after any enumeration at the time of choosing electors, the number of electors is according to the then existing apportionment of senators and representatives. Each state may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. Whenever any state has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of each state may direct. The electors for each state meet and give their votes upon the first Wednesday in December in the year in which they are appointed, at such place in each state as the legislature of such state directs. It is the duty of the executive of each state to cause three lists of the names of the electors to be made out and certified, and to be delivered to the electors on or before the day on which they are, as stated, to meet.

The electors vote for President and Vice-President respectively in the manner directed by the Constitution. They make and sign three certificates of all the votes given by them, each of which certificates contains two distinct lists, one of the votes for President and the other of the votes for Vice-President, and annex to each of the certificates one of the said lists of the electors furnished to them by direction of the executive of the state. They seal up the certificates so made by them, and certify upon each that the lists of all the votes of such state given for President, and of all the votes given for Vice-President, are contained therein.

The electors dispose of these certificates thus: (1) by writing under their hands, or under the hands of a majority of them, they appoint a person to take charge of and deliver to the President of the Senate, at the seat of government, before the first Wednesday in January then next ensuing, one of the certificates; (2) they forthwith forward by the post-office to the President of the Senate, at the seat of government, one other of the certificates; (3) they forthwith cause the other certificate to be delivered to the judge of that district in which the electors assemble. Whenever a certificate of votes from any state has not been received at the seat of government on the said first Wednesday of January, the Secretary of State sends a special messenger to the district judge in whose custody one certificate of the votes from that state has been lodged, and such judge forthwith transmits that list to the seat of government. Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors, and the certificates, or so many of them as have been received, are then opened, the votes counted, and the persons to fill the offices of President and Vice-President ascertained and declared, agreeable to the Constitution. In case there is no President of the Senate at the seat of the government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such persons deliver these certificates into the office of the Secretary of State, to be safely kept and delivered over as soon as may be to the President of the Senate.

By the Act of January 19, 1886 (chap. iv.), provision was made for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President, as follows—viz., in case of re-

moval, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War; or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General; or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster-General; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior shall act as President until the disability of the President or Vice-President is removed, or a President shall be elected. Provided that whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named, if Congress be not then in session, or if it would not meet, in accordance with law, within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting. The officers described must have been appointed by the advice and consent of the Senate to their respective offices, and must be eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, is an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

Office and Compensation.

The term of four years for which a President and Vice-President are elected in all cases commences on the fourth day of March next succeeding the day on which the votes of the electors have been given. The President receives in full for his services during his term the sum of $50,000 a-year, payable monthly, and is entitled to the use of the furniture and other effects belonging to the United States, and kept in the executive mansion. The Vice-President receives in full for his services during his term the sum of $8000 a-year, payable monthly.

The President is authorised to appoint or employ in his official household (1) one private secretary—salary, $3250; (2) one assistant private secretary — salary $2250; (3) two executive clerks—salary, $2000 each; (4) one steward of the President's household — salary, $2000; (5) one messenger—salary, $1200. The steward, under the direction of the President, has the charge and custody of, and is responsible for the plate, furniture, and other public property in the President's mansion, and discharges such other duties as the President assigns him. The steward, before entering upon the duties of his office, has to give a bond to the United States for the faithful discharge of his trust. This bond must be in such sum as the Secretary of the Interior deems sufficient, and must be approved by him.

EXECUTIVE DEPARTMENTS.

The head of each department is authorised to prescribe regulations not inconsistent with law for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. From the 1st day of October until the 1st day of April in each year, all the bureaux and offices in the State, War, Treasury, Navy, and Post-Office departments, and in the General Land Office, are open for the transaction of the public business at least eight hours in each day; and from the 1st day of April until the 1st day of October in each year, at least ten hours in each day, except Sundays and days declared holidays by law.

The clerks in the departments are arranged in four classes, distinguished as the first, second, third, and fourth classes. No clerk is appointed until he has been examined and found qualified by a board of three examiners, consisting of the chief of the bureau or office into which the clerk is to be appointed and two other clerks selected by the head of the department. Women may, in the discretion of the head of any department, be appointed to any of the clerkships, upon the same requisites and conditions and with the same compensations as are prescribed for men. Each head of a department may from time to time alter the distribution among the various bureaux and offices of his department of the clerks allowed by law, as he may find it necessary and proper to do; and he may employ in his department such number of clerks of the several classes, and such messengers, assistant messengers, copyists, watchmen, labourers, and other employees, and at such rates of compensation respectively as may be appropriated for by Congress from year to year. Each chief clerk in the several departments and bureaux and other offices connected with the departments, supervises, under the direction of his immediate superior, the duties of the other clerks therein, and sees that they are faithfully performed; and he reports monthly to his superior officer any existing defect he is aware of in the arrangement or despatch of business. Disbursing clerks give bonds to the United States for the faithful discharge of their duties according to law, in such amount as is directed by the Secretary of the Treasury, and with sureties to the satisfaction of the Solicitor of the Treasury. In case of the death, resignation, absence, or sickness of the head of any department, the first or sole assistant thereof, unless otherwise directed by the President, performs the duties of such head until a successor is appointed or such absence or sickness ceases; and in case of the death, resignation, absence, or sickness of the chief of any bureau or of any office thereof, whose appointment is not vested in the head of the department, the assistant or deputy, or, if there is none, then the chief clerk of such bureau, unless otherwise directed by the President, performs the duties of the chief or other officer until a successor is appointed, or the absence or sickness ceases. In any of said cases, except the death, resignation, absence, or sickness of the Attorney-General, the President may in his discretion authorise and direct the head of any other department whose appointment is vested in the President, by and with the advice and consent of the

Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent ceases. A vacancy occasioned by death or resignation must not be temporarily filled for a longer period than ten days, and only during a recess of the Senate can a temporary appointment, designation, or assignment of one officer to perform the duties of another be made. An officer or clerk of any department lawfully detailed to investigate frauds, or attempts to defraud on the Government, or any irregularity or misconduct of an officer or agent of the United States, has authority to administer an oath to witnesses. Any head of a department or bureau in which a claim against the United States is properly pending, may apply to any judge or clerk of any court of the United States, in any state, district, or territory, to issue a subpœna for a witness being within the jurisdiction of such court, and if any witness, after being duly served with such subpœna, neglects or refuses to appear, or appearing refuses to testify, the judge of the district may proceed upon proper process to enforce obedience to the subpœna, or to punish the disobedience in like manner as any court of the United States may do in case of process of subpœna *ad testificandum* issued by such court. The Attorney-General furnishes all necessary and proper professional service in attending examinations or making investigations, upon notification from the head of a department or bureau, and being given all the necessary facts. In all suits brought against the United States in the Court of Claims, founded upon any contract, agreement, or transaction with any department or any bureau, officer, or agent of a department, or when the matter or thing on which the claim is based has been passed upon and decided by any department, bureau, or officer authorised to adjust it, the Attorney-General transmits to such department, bureau, or officer a printed copy of the petition filed by the claimant, with a request that he be furnished with all facts, circumstances, and evidence touching the claim, and thereupon such department, bureau, or officer, without delay, and within a reasonable time, furnishes him with a full statement in writing of all such facts, information, and proofs.

It is not lawful for any person appointed after the 1st day of June 1872, as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim within two years next after he has ceased to be such officer, clerk, or employee. The balances from time to time stated by the auditor, and certified to the heads of departments by the Commissioner of Customs, or the comptrollers of the Treasury, upon the settlement of public accounts, are not to be changed or modified by the heads of departments, but are conclusive upon the executive branch of the Government, and are subject to revision only by Congress or the proper courts. The head of the proper department, before signing a warrant for any balance certified to him by a comptroller, may, however, submit to such comptroller any facts in his judgment affecting the correctness of such balance, but the decision of the comptroller thereon is final and conclusive. The amount expended in any one year for newspapers for any department, except the department of State, including all the bureaux and offices connected

therewith, is not to exceed $100, and all newspapers purchased with the public money for the use of either of the departments must be preserved as files for such department.

The head of each department makes at the commencement of each regular session, except when a different time is expressly prescribed by law, the various annual reports required to be submitted to Congress, and among these are—1st, A detailed statement of the manner in which the contingent fund for his department, and for the bureaux and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion and cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he is to require of the disbursing officers acting under his direction and authority the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and communicate the results of such returns and the sums total annually to Congress.

2. A statement giving the names of the clerks and other persons that have been employed in his department and the offices thereof, showing the time each was actually employed, the sums paid to each, also whether they have been usefully employed, whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals and the appointment of others in their stead is required for the better despatch of business.

The head of each department, except the Department of Justice, furnishes to the public printer copies of the documents usually accompanying his annual report on or before the first day of November in each year, and a copy of his annual report on or before the third Monday in November in each year.

The Secretaries of State, Treasury, Interior, War, Navy, the Postmaster-General, the Attorney-General, and Commissioner of Agriculture keep in proper books a complete inventory of all the property belonging to the United States, in the buildings, rooms, offices, and grounds occupied by them respectively and under their charge, adding thereto from time to time an account of such property as may be procured subsequently to the taking of such inventory, as well as an account of the sale or other disposition of any of such property (except supplies of stationery and fuel in the public offices, and books, pamphlets, and papers in the Library of Congress).

The head of each department, as soon as practicable after the last day in September in each year in which a new Congress is to assemble, causes to be filed in the Department of the Interior a full and complete list of all officers, agents, clerks, and employees employed in his department, or in any of the offices or bureaux connected therewith. He includes in this list all the statistics peculiar to his department, required to enable the Secretary of the Interior to prepare the Biennial Register.

DEPARTMENT OF STATE.

At the seat of the United States Government—to wit, in Washington, District of Columbia — there is an executive department known as the Department of State, and the Secretary of State is the head of it, with three assistant secretaries of state appointed by the President, by and with the advice and consent of the Senate. The Secretary of State may prescribe duties for the assistant secretaries, the solicitor not interfering with his duties as an officer of the Department of Justice, and the clerks of bureaux, as well as for all the other employees in the department, and may make changes and transfers therein, when in his judgment it becomes necessary. The duties of the Secretary of State are those from time to time enjoined on or intrusted to him by the President relative to correspondence, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States assigns to the department, and he conducts the business of the department in such manner as the President directs. He has the custody and charge of the seal of the United States, and of the seal of the Department of State, and of all the books, records, papers, furniture, fixtures, and other property remaining in or appertaining to the department. Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it is forthwith received by the Secretary of State from the President; and whenever a bill, order, resolution, or vote is returned by the President with his objections, and on being reconsidered is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it is received by the Secretary of State from the President of the Senate or Speaker of the House of Representatives, in whichsoever House it has last been so approved, and he carefully preserves the originals. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted according to the provisions of the Constitution, the Secretary of State forthwith causes the amendment to be published in the newspapers authorised to promulgate the laws, with his certificate specifying the states by which the same has been adopted, and that the same has become valid to all intents and purposes as a part of the Constitution of the United States. The Secretary of State procures from time to time such of the statutes of the several states as are not in his office. He lays before Congress, within ten days after the commencement of each regular session, a statement containing an abstract of all the returns made to him pursuant to law by the collectors of the different ports, of the seamen registered by them, together with an account of such impressments and detentions as appear by the protests of the masters to have taken place. He lays annually before Congress (1) a statement, in a compendious form, of all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on im-

ports and exports, or other regulations, as have been communicated to the department, including all commercial information contained in the official publications of other Governments which he deems sufficiently important; (2) a synopsis of so much of the information which has been communicated to him by diplomatic and consular officers during the preceding year as he deems valuable for public information, specifying the names of any consuls or commercial agents who have been remiss in transmitting commercial information; (3) a full list of all consular officers; (4) a report of any rates or tariffs of fees to be received by diplomatic or consular officers which had been prescribed by the President during the year preceding; (5) a statement of such fees as have been collected, accounted for, and reported by the various diplomatic and consular officers during the preceding year; (6) a statement of the lists of passengers arriving in the United States from foreign places, returned to him quarter-yearly by the collectors of customs; (7) a statement of the names of any consular officers, not citizens of the United States, to whom salaries have been paid during the year preceding, together with the circumstances under which they were appointed. The annual statement of expenditures from the contingent fund required to be made by the Secretary of State must include all the contingent expenses of foreign intercourse and of all the missions abroad, except such expenditures as are settled upon the certificate of the President. The Secretary of State furnishes to the congressional printer a correct copy of every Act and joint resolution, as soon as possible after its approval by the President, or after it has become a law in accordance with the Constitution without such approval; also of every treaty between the United States and any foreign Government, as soon as possible after it has been duly ratified and has been proclaimed by the President; and also of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States and foreign countries, as soon as possible after copies of such conventions have been transmitted to him by the Postmaster-General. The Secretary of State publishes official notifications from time to time of such commercial information communicated to him by diplomatic and consular officers as he deems important to the public interests in such newspapers, not to exceed three in number, as he selects. The clerk in the Department of State who from time to time is assigned to the duty of examining applications for passports is authorised to receive and attest, but without charge to the affiant, all oaths or affidavits required by law or by the rules of the Department of State to be made before granting passports. For making out and authenticating copies of records in the Department of State a fee of ten cents for each sheet of 100 words is paid by the person requesting such copies, except where they are requested by an officer of the United States in a matter relating to his office. Some of the salaries paid in this department are noted elsewhere. The bureaux are—(1) the diplomatic, (2) the consular, (3) indexes and archives, (4) accounts, (5) rolls and library, (6) statistics, and (7) that of claims. The publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, may be sold at such rates as may be fixed by said department, and the proceeds of all sales are paid into the Treasury.

DEPARTMENT OF WAR.

At the seat of government is an executive department, known as the War Department, and a Secretary of War is the head thereof. There is in this department an inferior officer appointed by the principal officer, employed therein as he deems proper, and called the chief clerk in the Department of War, and who, whenever the principal officer is removed from office by the President of the United States, or in any other case of vacancy, during such vacancy has the charge and custody of all records, books, and papers appertaining to the department. The Secretary of War performs such duties as are from time to time enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he conducts the business of the department in such manner as the President directs. He has the custody and charge of all the books, records, papers, furniture, fixtures, and other property appertaining to the department. From time to time he causes to be collected and transmitted to him at the seat of government all such flags, standards, and colours as are taken by the army from the enemies of the United States. He defines and prescribes from time to time the kinds as well as the amount of supplies to be purchased by the subsistence and quartermaster departments of the army, and the duties and powers thereof respecting such purchases, and prescribes general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as by virtue of such regulations are intrusted with the same; and fixes and makes reasonable allowances for the store-rent and storage necessary for the safe-keeping of all military stores and supplies. The transportation of troops, munitions of war, equipments, military property, and stores throughout the United States are under the immediate control and supervision of the Secretary of War and such agents as he appoints. He provides for taking meteorological observations at the military stations in the interior of the continent, and at other points in the states and territories, and for giving notice on the northern lakes and sea coast, by magnetic telegraph and marine signals, of the approach and force of storms. The Secretary of War provides, in the system of observations and reports in charge of the signal officer of the army, for such stations, reports, and signals as may be found necessary for the benefit of agriculture and commercial interests. He is authorised to establish signal stations at lighthouses, and at such of the life-saving stations on the lake or sea coast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the signal service by reason of a suitable telegraph line, in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the chief signal officer of the army or the Secretary of War and the Secretary of the Treasury; and the use of the life-saving stations as signal stations are subject to such regulations as

may be agreed upon by said officials. Whenever satisfactory proof is furnished to the War Department that any non-commissioned officer or private soldier who served in the army of the United States in the late war against the Rebellion has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War is authorised to furnish on request to such non-commissioned officer or private a duplicate of such certificate of discharge, indelibly marked, so that it may be known as a duplicate; but such certificate is not accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case. The Secretary of War is authorised to detail one or more of the employees of the War Department for the purpose of administering the oaths required by law in the settlement of officers' accounts for clothing, camp and garrison equipage, quartermaster's stores and ordnance, which oaths are administered without expense to the parties taking them. In settling the accounts of the commanding officer of a company for clothing and other military supplies, the affidavit of any such officer may be received to show the loss of vouchers or company books, or any matter or circumstance tending to prove that any apparent deficiency was occasioned by unavoidable accident, or lost in actual service without any fault on his part, or that the whole or any part of such clothing and supplies had been properly and legally used and appropriated; and such affidavit may be considered as evidence to establish the facts set forth, with or without other evidence, as may seem to the Secretary of War just and proper under the circumstances of the case. Any surplus charts of the north-western lakes may be sold to navigators upon such terms as the Secretary of War prescribes. The chief signal officer may cause to be sold any surplus maps or publications of the signal office, the money received therefor to be applied toward defraying the expenses of the signal service, and an account of the same to be rendered in each of his annual reports. The Secretary of War makes an annual report to Congress, containing a statement of the appropriations of the preceding fiscal year for the Department of War, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the 30th day of June preceding such report, remained unexpended. Such reports are accompanied by estimates of the probable demands which may remain on each appropriation. He lays before Congress at the commencement of each regular session a statement of all contracts for supplies or services made by him or under his direction during the year preceding; and also a statement of the expenditure of the moneys appropriated for the contingent expenses of the military establishment. Whenever the Secretary of War invites proposals for any works, or for any material or labour for any work, he reports to Congress at its next session all bids therefor, with the names of the bidders. He causes to be prepared and submitted to Congress, in connection with the reports of examinations and surveys of rivers and harbours made by order of Congress, full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvements contemplated by such examinations and surveys, to the end that public money be not applied, excepting where such improvements tend to

subserve the general, commercial, and navigation interests of the United States. And he lays before Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutant-general of the several states of the militia thereof.

The special offices in this department are—

1. The office of the Adjutant-General.
2. The office of the Quartermaster-General.
3. The office of the Paymaster-General.
4. The office of the Commissary-General.
5. The office of the Surgeon-General.
6. The office of the Chief of Engineers.
7. The office of the Chief of Ordnance.
8. The office of Military Justice.

Some of the salaries paid in connection with these offices are given elsewhere.

DEPARTMENT OF THE TREASURY.

There is at the seat of government an executive department known as the Department of the Treasury, and the Secretary of the Treasury is at its head, with two assistant secretaries appointed by the President, by and with the advice and consent of the Senate. The appointments of this department are so arranged as to be equally distributed between the several states of the United States, territories, and the District of Columbia, according to population. The divisions of this department are those of (1) the Comptrollers; (2) the Auditors; (3) the Treasurer; (4) the Register; (5) the Commissioner of Customs; (6) the Commissioner of Internal Revenue; (7) the Comptroller of the Currency; (8) the Bureau of Statistics; and (9) the Bureau of the Mint.

All claims and demands whatever by the United States, or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, are settled and adjusted in the Department of the Treasury. The Treasury also acts as the bankers of the District of Columbia. The fiscal year commences on the first day of July in each year. The commissions of all officers employed in levying or collecting the public revenue are made out and recorded in the Department of the Treasury, and the seal of the department is affixed thereto, but not before they have been signed by the President. Separate accounts are kept at the department of all moneys received from internal duties or taxes in each of the respective states, territories, and collection districts, and of the amount of each species of duty and tax that accrues, so as to exhibit, as far as may be, the amount collected from each source of revenue, with the moneys paid as compensation and allowances to the collectors and deputy-collectors, inspectors and other officers employed in each of the respective states, territories, and collection districts. No account for contingent expenses at any of the bureaux of the Department of the Treasury is allowed, except on the certificate of the Superintendent of the Treasury Buildings. No person appointed to the office of Secretary of the Treasury, or First Comptroller, or First Auditor, or Treasurer, or Register, shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or

in part, of any sea-vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any state or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department other than what is allowed by law; and any one so offending is guilty of a high misdemeanour, and forfeits $3000 to the United States, and upon conviction is removed from office, and becomes incapable of again holding office under the United States. Informers other than a public prosecutor get one-half of the $3000. Every clerk employed in this Department who carries on any trade or business in the funds or debts of the United States, or of any state or in any kind of public property, or who takes or applies to his own use any emolument or gain for negotiating or transacting any business in the Department, is guilty of a misdemeanour, and punished by a fine of $500 and removal from office.

The assistant secretaries examine letters, contracts, and warrants prepared for the signature of the Secretary of the Treasury, and perform such other duties in the Secretary's office prescribed by him or by law. The Secretary may, by an appointment under his hand and official seal, delegate to one of the assistant secretaries of the Treasury authority to sign in his stead all warrants for the payment of money into the public treasury, and for the disbursement from the public treasury of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them, as validly as if the warrants had been signed by the Secretary himself. The Secretary of the Treasury from time to time digests and prepares plans for the improvement and management of the revenue and for the support of the public credit; superintends the collection of the revenue; from time to time prescribes the forms of keeping and rendering all public accounts and making returns; grants, under the limitations established by law, all warrants for money to be issued from the Treasury in pursuance of appropriations by law; makes reports, and gives information to either branch of the legislature, in person or in writing as may be required, respecting all matters referred to him by the Senate or House of Representatives, or which appertain to his office; and generally performs all such services relative to the finances as he is directed to perform. He directs the superintendence of the collection of the duties on imports and tonnage as he judges best. He causes all accounts of the expenditure of public money to be settled within each fiscal year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary, and with the assent of the President he establishes fixed periods at which a settlement is required from such distant places. He makes and issues from time to time such instructions and regulations to the several collectors, receivers, depositaries, officers, and others who receive Treasury notes, United States notes, or other securities of the United States, or who are in any way engaged or employed in the preparation and issue of the same, as he deems best calculated to promote the public convenience and security, and to protect the United States as well as individuals from fraud and loss. He prescribes forms of entries, oaths, bonds, and other papers, and rules and regulations not inconsistent with law, to be used under and in the execution and enforcement of the various provisions

of the internal revenue laws, or in carrying out the provisions of law relating to raising revenue from imports, or to duties on imports, or to warehousing. He gives such directions to collectors, and prescribes such rules and forms to be observed by them, as may be necessary for the proper execution of the law. He also prescribes the forms of the annual statements to be submitted to Congress by him, showing the actual state of commerce and navigation between the United States and foreign countries, or coastwise between the collection districts of the United States, in each year. The Secretary of the Treasury may discontinue all ports of delivery the revenue received at each of which does not amount to $10,000 a-year. He is authorised to receive deposits of gold and bullion with the Treasurer or any assistant treasurer of the United States, in sums not less than $20 each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit are retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed twenty per centum beyond the amount of coin and bullion in the Treasury; and the certificates for coin and bullion in the Treasury are received at par in payment for duties on imports. He may designate any officer of the United States who has given bonds for the faithful performance of his duties to be disbursing agent for the payment of all moneys appropriated for the construction of public buildings authorised by law within the district of such officer. The Secretary of the Treasury has power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same are withheld by any person or corporation, upon such terms and conditions as he deems best for the interests of the United States; but no compensation is paid to such persons except out of the money and property so secured, and no person is so employed who has not fully set forth, in a written statement under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover, or assist in recovering, moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys. Every person so employed makes report of his proceedings under such employment at any time when required to do so by the Secretary of the Treasury, and every person so employed who receives, or attempts to receive, any money or other consideration from any person, firm, or corporation alleged thus to have withheld money, except in pursuance of a written contract made in relation thereto with the Secretary of the Treasury, is guilty of a misdemeanour, punishable by a fine of not less than $1000, or by imprisonment of not less than two years, or both.

The Secretary of the Treasury makes the following annual reports to Congress:—

1. A report on the subject of finance, containing estimates of the public revenue and public expenditures for the fiscal year then current, and plans for improving and increasing the revenue from time to time for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures.

2. A report containing a statement of all contracts for supplies or services which have been made by him or under his directions during the year preceding, and also a statement of the expenditure of the moneys appropriated for the discharge of miscellaneous claims not otherwise provided for or paid by the Treasury.

3. A report of the rules and regulations established by him to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise imported into the United States, the actual value thereof, and the number of square yards, parcels, or other quantities thereof, together with his reasons for making such rules.

4. A report containing a full and complete statement in detail of the amounts collected from seamen, and the amounts expended for sick and disabled seamen, under the authority of the laws creating and administering an hospital tax for the benefit of sick and disabled seamen.

He also lays before Congress, at the commencement of each regular session, a statement of the amount of money expended at each custom-house during the preceding fiscal year, and of the number of persons employed, and the occupation and salary of each person at each custom-house, during the same period.

He also makes a report to Congress on the first Monday in January in each year, containing the results of the information collected during the preceding year by the Bureau of Statistics upon the condition of manufactures, domestic trade, currency, and banks of the several states and territories.

He also lays before Congress at the commencement of each regular session, accompanying his annual statement of the public expenditure, the reports which may be made to him by the auditors charged with the examination of the accounts of the Department of War and the Department of the Navy respectively, showing the application of the money appropriated for those departments for the preceding year.

He also annually, in the month of December, lays before Congress an abstract, in tabular form, of the separate accounts of moneys received from internal duties or taxes in each of the respective states, territories, and collection districts required to be kept at the Treasury.

He also transmits to Congress, at the commencement of each regular session, a copy of each of the accounts kept by the Superintendent of the Treasury buildings of all amounts expended under the head of contingent expenses for the several bureaux of the Department of the Treasury, and of all amounts paid for furniture and repairs of furniture and of the disposal of old furniture.

He also causes the annual report of the statistics of commerce and navigation required from the chief of the Bureau of Statistics to be prepared and printed according to law, and to be submitted to Congress at as early a date in each regular session as practicable, and not later than the first Monday in January.

He also reports to Congress annually the number and names of the persons employed, during the last preceding fiscal year, upon the Coast Survey and business connected therewith; the amount of compensation of every kind respectively paid them, for what purpose, and the length of time employed; and reports a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey.

He also furnishes to the Congressional printer, on or before the 1st day of November of each year, the manuscript prepared for printing of a condensed statement of the aggre-

gate amount of exports and imports from foreign countries during the preceding fiscal year.

He also, at the expiration of thirty days from the end of each quarter, causes to be published in some newspaper at the seat of government a statement of the whole receipts of each quarter, specifying the amount received from customs, from public lands, and from miscellaneous sources, and also the whole amount of payments made during the said quarter, specifying the general head of appropriation, whether for the civil list, the army, the navy, Indian affairs, fortifications, or pensions.

He also causes to be published in some newspaper at the seat of government, on the first day of each month, the last preceding weekly statement of the Treasurer of the United States, showing the amount to his credit in the different banks, in the mint, or other depositaries, the amount for which drafts have been given, and those remaining unpaid, and the balance remaining subject to his draft; and he also specially notes any changes that have been made in the depositaries of the Treasury during the preceding month, and reports to Congress at the commencement of its next session the reasons for such changes.

The Comptrollers.

In this department are a first comptroller and a second comptroller, both appointed by the President, by and with the advice and consent of the Senate, and each getting a salary of $5000 a-year. It is the duty of the first comptroller (1) to examine all accounts settled by the first auditor, except those relating to receipts from customs, and all accounts settled by the fifth auditor, and by the Commissioner of the General Land Office, and to certify the balances arising thereon to the Register; (2) to superintend the adjustment and preservation of the public accounts subject to his revision; (3) to countersign all warrants drawn by the Secretary of the Treasury which are warranted by law; (4) to superintend the recovery of all debts certified by him to be due to the United States, and for that purpose to direct all such suits and legal proceedings, and to take such measures as are authorised by law, and are adapted to enforce prompt payment thereof. Whenever the Postmaster-General, or any person whose accounts have been settled by the sixth auditor, is dissatisfied with the settlement made by the auditor, he may, within twelve months, appeal to the first comptroller, whose decision is final. In every case where, in his opinion, further delays would be injurious to the United States, the first comptroller directs the first and fifth auditors of the Treasury forthwith to audit and settle any particular account which these officers may be authorised to audit and settle, and to report such settlement for revision and final decision by the first comptroller.

The first comptroller makes an annual report to Congress of such officers as have failed to make settlement of their accounts for the preceding fiscal year, within the year, or within such further time as may have been prescribed by the Secretary of the Treasury for such settlement.

It is the duty of the second comptroller (1) to examine all accounts settled by the second, third, and fourth auditors, and certify the balances arising thereon to the Secretary of the department in which the expenditure has been incurred; (2) to countersign all warrants drawn by the Secretaries of War and of the Navy, which are warranted by law;

(3) to report to the Secretaries of War and of the Navy the official forms to be issued in the different offices for disbursing public money in those departments, and the manner and form of keeping and stating the accounts of the persons employed therein; (4) to superintend the preservation of the public accounts submitted to his revision. The second comptroller may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer on board any vessel in the employ of the United States which has been sunk or destroyed, in case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same. He may detail one clerk to sign, in the place of the comptroller, all certificates and papers issued under any provision of law relating to bounties, but the comptroller is responsible for the official acts of such clerk.

The Auditors.

The President, by and with the advice and consent of the Senate, appoints, in connection with this department, six auditors, known respectively as the first, second, third, fourth, and fifth auditors, and the auditor for the Post-Office Department, formerly called the sixth auditor, each with a salary of $4000 a-year. There is a deputy-auditor in the office of each auditor.

The first auditor receives and examines all accounts accruing in the Treasury Department; all accounts relating to the receipts from customs, including accounts of collectors, and other officers of the customs; all accounts accruing on account of salaries in the Patent Office; all accounts of the judges, marshals, clerks, and other officers of all the courts of the United States; all accounts of the officer in charge of the public buildings and grounds in the District of Columbia; all accounts of the expenditures of the Department of Agriculture; all accounts relating to prisoners convicted in any court of the United States; and after examination of such accounts relating to the receipts from customs, including the accounts of the collectors and other officers of the customs, he certifies the balances and transmits the same, with the vouchers and certificates, to the Commissioner of Customs for his decision thereon, and he certifies the balances of all other accounts, and transmits the same in like manner to the first comptroller for his decision thereon.

The second auditor receives and examines all accounts relating to the pay and clothing of the army, the subsistence of officers, bounties and premiums, military and hospital stores, and the contingent expenses of the War Department; all accounts relating to Indian officers, and to agents of lead and other mines of the United States; and after examination of such accounts he certifies the balances and transmits such accounts, with the vouchers and certificate, to the second comptroller for his decision thereon.

The third auditor receives and examines all accounts relating to the subsistence of the army, the quartermaster's department, and generally all accounts of the War Department other than those provided for; all accounts relating to pensions for the army; and all accounts for the compensation for the loss of horses and equipments of officers and enlisted men in the military service of the United States, and for the loss of horses and equipments or of steamboats, and all other means of transportation in the service of the United States by contract or impressment; and after the examination of such accounts he certifies the balances

and transmits such accounts, with all the vouchers and papers and the certificate, to the second comptroller for his decision thereon.

The fourth auditor receives and examines all accounts accruing in the Navy Department or relative thereto, and all accounts relating to navy pensions; and after examination of such accounts, certifies the balances and transmits the accounts, with the vouchers and certificate, to the second comptroller for his decision thereon.

The fifth auditor receives and examines all accounts accruing in or relative to the Department of State, all accounts of the Commissioner of Internal Revenue, all accounts relating to the contingent expenses of the Patent Office, and all accounts relating to the census.

The auditor for the Post-Office Department receives all accounts arising in the Post-Office Department, or relative thereto, with the vouchers necessary to a correct adjustment thereof, and audits and settles the same, and certifies the balances thereon to the Postmaster-General. He keeps and preserves all accounts and vouchers after settlement. He closes the account of the department quarterly, and transmits to the secretary of the Treasury quarterly statements of its receipts and expenditures. He reports to the Postmaster-General, when required to do so, the manner and form of keeping and stating the accounts of the department, and the official forms of papers to be used in connection with its receipts and expenditures. He reports to the Postmaster-General all delinquencies of postmasters in rendering their accounts and returns, or in paying over money-order funds and other receipts of their offices. When a deficiency is discovered in the accounts of any postmaster, who, after the adjustment of his accounts, fails to make good such deficiency, it is the auditor's duty to notify the Postmaster-General of such failure, and upon receiving this notice the Postmaster-General forthwith deposits a notice in the post-office at Washington, District of Columbia, addressed to the sureties respectively. He registers charges, and countersigns all warrants upon the Treasury for receipts or payments issued by the Postmaster-General, when warranted by law. He performs such other duties in relation to the financial concerns of the department as may be assigned to him by the secretary of the Treasury, and makes to the secretary or to the Postmaster-General such reports respecting the same as either of them may require. The annual report of the sixth auditor for the Post-Office Department to the Postmaster-General shows the financial condition of the Post-Office Department at the close of each fiscal year, and is made a part of the Postmaster-General's annual report to Congress for that fiscal year.

The second auditor audits and settles the accounts of line officers of the army to the extent of the pay due them for their services as such, notwithstanding the inability of any such line officer to account for property intrusted to his possession, or to make his monthly reports or returns, if such auditor is satisfied by the affidavit of the officer, or otherwise, that the inability was caused by the officer's having been a prisoner in the hands of the enemy, or by any accident or casualty of war. He may detail one clerk to sign in the place of the auditor all certificates and papers issued under any provisions of law relating to bounties; but the auditor is responsible for the official acts of such clerk.

The auditors charged with the examination of the accounts of the Departments of War and of the Navy keep all accounts of the receipts and

expenditures of the public money in regard to these departments, and of all debts due to the United States on moneys advanced relative to these departments; receive from the second comptroller the accounts which have been finally adjusted, and preserve such accounts, with their vouchers and certificates, and record all requisitions drawn by the secretaries of those departments, the examination of the accounts of which has been assigned to them. They annually, on the first Monday in November, severally report to the Secretary of the Treasury the application of the money appropriated for the Departments of War and of the Navy; and they make such reports on the business assigned to them as the secretaries of these departments may deem necessary and require. In every case of the loss or capture of a vessel belonging to the United States Navy, the proper accounting officers of the Treasury, under the direction of the Secretary of the Navy, are authorised, in the settlement of the accounts of the paymaster of such vessel, to credit him with such portion of the amount of the provisions, clothing, small stores, and money with which he stands charged in the books of the fourth auditor as they are satisfied was inevitably lost, and the paymaster is fully exonerated by such credit from all liability on account therefor. The proper accounting officers of the Treasury are authorised, under direction of the Secretary of the Navy, in settling the accounts of seamen, and others not officers, borne on the books of any vessel in the navy which has been wrecked, or which has been unheard from so long that her wreck may be presumed, or which has been destroyed or lost with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed to have occurred. And they are authorised in settling the accounts of the petty officers, seamen, and others not officers, on board of any vessel in the employ of the United States which by any casualty, or in action with the enemy, has been sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has from any cause not been made, the accounting officers are authorised to adjust and settle such accounts on principles of equity and justice. When the vessel has been sunk or destroyed by any casualty, or in action with the enemy, the said accounting officers allow and pay to each person not an officer employed on the vessel so sunk or destroyed, and whose personal effects have been lost, a sum not exceeding $60 as compensation for the loss thereof. In case of the death of any such petty officer, seaman, or other person not an officer, such payment is made to the widow, child or children, father, mother, or brothers and sisters jointly, following that order of preference; such credits and gratuity to be paid out of any moneys in the Treasury not otherwise appropriated.

In case any officer of the navy or marine corps, on board a vessel in the employ of the United States, which, by any casualty or in action with the enemy at any time since the 19th day of April 1861, has been sunk or destroyed, has thereby lost his personal effects without negligence or want of skill or foresight on his part, the proper accounting officers are author-

ised, with the approval of the Secretary of the Navy, to allow a sum not exceeding the amount of such officer's sea-pay for one month, as compensation for his loss, but they, in all cases, require a schedule and certificate from the officer making the claim for effects so lost.

Whenever any sum of money has been issued from the Treasury for the purposes of intercourse or treaty with foreign nations in pursuance of any law, the President is authorised to cause the same to be duly settled annually with the proper accounting officers of the Treasury, by causing the same to be accounted for specifically, if the expenditure may in his judgment be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify; and every such certificate is deemed a sufficient voucher for the sum therein expressed to have been expended.

The auditor for the Post-Office Department superintends the collection of all debts due that Department, and all penalties and forfeitures imposed for any violation of the postal laws, and takes all such other measures as are authorised by law to enforce the payment of such debts and the recovery of such penalties and forfeitures. He also superintends the collection of all penalties and forfeitures existing under other statutes when they are the consequence of unlawful acts affecting the revenues or property of the Post-Office Department. He keeps the accounts of the money-order business separately, and in such manner as to show the number and amount of money-orders issued at each office, the number and amount paid, the amount of fees received, and all the expenses of the money-order business. He states and certifies quarterly to the Postmaster-General an account of the money paid by postmasters out of the receipts of their offices, and pursuant to appropriations, on account of the expenses of the postal service, designating the heads under which such payments were made. Whenever a judgment is obtained for a debt or damages due the Post-Office Department, and it satisfactorily appears that such judgment, or so much thereof as remains unpaid, cannot be collected by the process of law, the sixth auditor may, with the written consent of the Postmaster-General, compromise such judgment and accept in satisfaction less than the full amount thereof. In case of delinquency of any postmaster, contractor, or other officer, agent, or employee of the Post-Office Department in which suit is brought, the auditor forwards to the Department of Justice certified copies of all papers in his office tending to sustain the claim. The several auditors are empowered to administer oaths to witnesses in any case in which they deem it necessary for the due examination of the accounts with which they are charged. Any mayor of a city, justice of the peace, or judge of any court of record in the United States, may administer oaths in relation to the examination and settlement of the accounts committed to the charge of the auditor for the Post-Office Department.

All accounts of the United States district attorneys for services rendered in cases instituted in the courts of the United States, or of any state, when the United States is interested, but is not a party of record, or in cases instituted against the officers of the United States, or their deputies, or duly appointed agents, for acts committed or omitted, or suffered by them in the lawful discharge of their duties, are credited and allowed, as in other cases assimilating the fees, as near as may be, to those provided

by law for similar services in cases in which the United States is a party. Whenever the disbursing officer or agent, by whom was issued any cheque which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the proper accounting officer, under such regulations as the Secretary of the Treasury prescribes, states an account in favour of the owner of such original cheque for the amount thereof, and charges such amount to the account of such officer or agent.

The Treasurer.

The Treasurer of the United States, in the Department of the Treasury, is appointed by the President, by and with the advice and consent of the Senate, and is entitled to a salary of $6000. Before entering on the duties of office he has to give bond with sufficient sureties, to be approved by the Secretary of the Treasury and by the first comptroller, in the sum of $150,000 payable to the United States with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond is lodged in the office of the first comptroller. There is an assistant treasurer appointed by the President, by and with the advice and consent of the Senate, whom the Treasurer, in his discretion, with the consent of the Secretary of the Treasury, may authorise to act in the place and discharge any or all of the duties of the Treasurer of the United States.

The Treasurer receives and keeps the moneys of the United States, and disburses the same upon warrants drawn by the Secretary of the Treasury, countersigned by either comptroller and recorded by the Register, and not otherwise. He takes receipts for all moneys paid by him, and gives receipts for all moneys received by him; and all receipts for moneys received by him are indorsed upon warrants signed by the Secretary of the Treasury, without which warrant so signed no acknowledgment for money received into the public Treasury is valid. He renders his accounts to the first comptroller quarterly, or oftener if required, and transmits a copy thereof when settled to the Secretary of the Treasury. At all times he submits to the Secretary of the Treasury and the first comptroller the inspection of the moneys in his hands. At the termination of each fiscal year all amounts of moneys, represented by certificates, drafts, or cheques, issued by the Treasurer or by any disbursing officer of any department of the Government, upon the Treasurer or any assistant treasurer, or designated depository of the United States, and which are represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose, in liquidation of a debt due from the United States, and which have for three years or more remained outstanding unsatisfied and unpaid, are deposited by the Treasurer to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favour such certificates, drafts, or cheques were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities." The certificate of the Register of the Treasury, stating that the amount of any draft issued by the Treasurer to facilitate the payment of a warrant directed to him for payment has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury as described, is, when attached to any such warrant, a sufficient

voucher in satisfaction of any such warrant, or part of any warrant, the same as if the drafts, correctly indorsed and fully satisfied, were attached to such warrant or part of warrant. And all such moneys remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and cheques. The payee or the *bonâ-fide* holder of any draft or cheque, the amount of which has been deposited and covered into the Treasury as described, on presenting the same to the proper officer of the Treasury, is entitled to have it paid by the settlement of an account, and the issuing of a warrant in his favour according to the practice in other cases of authorised and liquidated claims against the United States. Other amounts of the accounts of every kind of disbursing officer which have remained unchanged, or which have not been increased by any new deposit thereon, nor decreased by drafts drawn thereon, for the space of three years, are in like manner covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof, on the certificate of the Treasurer that such amount has been deposited in the Treasury, are credited by the proper accounting officer of the Department of the Treasury on the books of the department to the officer in whose name it had stood on the books of any agency of the Treasury, if it appears that he is entitled to such credit.

The Treasurer, each assistant treasurer, and each designated depository of the United States, and the cashier of each of the national banks designated as such depositories, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates respectively of the last credit and the last debit made to each account. And each disbursing officer makes a like return of all cheques issued by him, and which may then have been outstanding and unpaid for three years and more, stating fully in such report the name of the payee, for what purpose each cheque was given, the office on which drawn, the number of the voucher received therefor, the date, number, and amount for which it was drawn, and, when known, the residence of the payee.

The Treasurer on the third day of every session of Congress lays before the Senate and House of Representatives fair and accurate copies of all accounts by him from time to time rendered to and settled with the first comptroller, as also a true and perfect account of the state of the Treasury.

The Register.

In the Department of the Treasury is a Register of the Treasury (salary, $4000) appointed by the President, by and with the advice and consent of the Senate, and there are an assistant register and five chiefs of divisions. The Register's duty is—(1) to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States; (2) to receive from the first comptroller and Commissioner of Customs the accounts which have been finally adjusted, and preserve the accounts with their vouchers and certificates; (3) to record all warrants for the receipt or payment of moneys at the Treasury, and certify the same thereon, except those drawn by the Postmaster-General and those by the Secretary of the Treasury upon the requisitions of the

Secretaries of the War and Navy Departments; (4) to transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted; (5) to furnish to the proper accounting officers copies of all warrants covering proceeds of Government property, where the same are necessary in the settlement of accounts in their respective offices.

The assistant register appointed by the President, by and with the advice and consent of the Senate, performs such duties as may be devolved on him by the Register, and, in the absence of the Register, acts in his stead; and any official record, certificate, or other document, excepting warrants, bonds, and drafts, signed by the assistant register, have the same effect as if signed by the Register.

The Commissioner of Customs.

The Commissioner of Customs in the Treasury Department is appointed by the President, by and with the advice and consent of the Senate, (salary, $4000). There are a deputy commissioner and two chiefs of division. The Commissioner examines all accounts settled by the first auditor relating to the receipts from customs, including accounts of collectors and other officers of the customs, and certifies the balances arising thereon to the Register. And he performs all the acts, and exercises all the powers, relating to the receipts from customs, and the accounts of collectors and the other officers of the customs or connected therewith, devolved upon the first comptroller in regard to other receipts and other accounts. He reports to the Secretary of Treasury official forms to be used in the different offices for collecting the public receipts from customs, and all the manner and form of keeping and stating the accounts of the persons employed therein.

The Commissioner of Internal Revenue.

The Commissioner of Internal Revenue in the Treasury Department is appointed by the President, by and with the advice and consent of the Senate (salary, $6000). There are one deputy commissioner (salary, $3200), two heads of division (salaries, $2500), five heads of division ($2250 each), &c. He can designate one of the heads of division as chief clerk of the bureau, without additional compensation. The Commissioner, under the direction of the Secretary of the Treasury, has general superintendence of the assessment and collection of all duties and taxes imposed by any law providing internal revenue; and prepares and distributes all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue; and provides hydrometers and proper and sufficient adhesive stamps, and stamps or dies for expressing and denoting the several stamp duties, or in the case of percentage duties the amount thereof; and alters and renews or replaces such stamps from time to time as occasion requires. He may also contract for or procure the printing of requisite forms, decisions, and regulations, but the printing is done at the public printing office, unless the public printer is unable to perform the work. The Commissioner of Internal Revenue may, under such regulations as are established by the Secretary of the Treasury, after due public notice, receive bids, and make contracts for supplying stationery, blank books, and blanks to the collectors in the several collection districts, and he has to estimate in detail, by collection districts, the expense of assessing and the expense of the collection of internal revenue.

There is a deputy commissioner of internal revenue appointed by the President, by and with the advice and consent of the Senate, who is charged with such duties in the office of the Commissioner as may be prescribed by the Secretary of the Treasury or by law, and he acts as Commissioner of Internal Revenue in case of the absence of that officer.

The Commissioner makes a detailed statement to Congress once in each year as to how he has expended the appropriation for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or accessory to the same, including payments for information and detection, and also a detailed statement of all miscellaneous expenditures.

The Comptroller of the Currency.

In the Department of the Treasury is a bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of a national currency secured by United States bonds, the chief officer of which is called the Comptroller of the Currency (salary, $5000), who performs his duties under the general direction of the Secretary of the Treasury, and is appointed by the President on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and holds his office for the term of five years, unless sooner removed by the President, upon reasons to be communicated by him to the Senate. The Comptroller, within fifteen days from the time of notice of his appointment, takes and subcribes the oath of office, and gives to the United States a bond in the penalty of $100,000, with not less than two responsible sureties to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office. There is a deputy comptroller of the currency (salary, $2800), appointed by the Secretary, who possesses the power and performs the duties attached by law to the office of Comptroller during a vacancy in the office, or during the absence or inability of the Comptroller; and also four chiefs of divisions ($2200 each). The deputy comptroller takes the oath of office prescribed by the Constitution and laws of the United States, and gives a like bond in the penalty of $50,000. The Comptroller employs from time to time the necessary clerks, to be appointed and classified by the Secretary of the Treasury, to discharge such duties as he directs. It is not lawful for the Comptroller or his deputy, either directly or indirectly, to be interested in any association issuing national currency under the laws of the United States. The seal devised by the Comptroller for his office and approved by the Secretary of the Treasury continues to be the seal of the office of the Comptroller, and may be renewed when necessary. A description of the seal, with an impression thereof, and a certificate of approval by the Secretary of the Treasury, is filed in the office of the Secretary of State. From time to time suitable rooms are assigned to the Comptroller by the Secretary of the Treasury in the Treasury building for conducting the business of the Currency Bureau, containing safe and secure fire-proof vaults, in which the Comptroller deposits and safely keeps all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his department; and the Comptroller from time to time furnishes the necessary furniture, stationery, fuel, lights, and other

proper conveniences for the transaction of the business of his office.

The Comptroller, in addition to the powers conferred upon him by law for the examination of national banks, is further authorised, whenever he deems it useful, to cause examination to be made into the condition of every bank in the District of Columbia organised under Act of Congress, and at his discretion may report to Congress the result of such examination. The expense necessarily incurred in such examination is paid out of any appropriation made by Congress for special bank examinations.

The Comptroller of the Currency makes an annual report to Congress at the commencement of its session, exhibiting—

1. A summary of the state and condition of every association from which reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the time of their several returns, and such other information in relation to such associations as in his judgment may be useful.

2. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed, and the amount outstanding.

3. Any amendment in the laws relative to banking, by which the system may be improved, and the security of the holders of the notes and other creditors may be increased.

4. A statement exhibiting under appropriate heads the resources and liabilities and condition of the banks, banking companies, and savings-banks organised under the laws of the several states and territories; such information to be obtained by the Comptroller from the reports made by such banks, banking companies, and savings banks to the legislature or officers of the different states and territories, and where such reports cannot be obtained, the deficiency to be supplied from such other authentic sources as may be available.

5. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year.

The Bureau of Statistics.

There is in the Department of the Treasury a Bureau of Statistics, and the Secretary of the Treasury may appoint one division clerk to superintend it (salary, $3000). The purpose of this bureau is the collection, arrangement, and classification of such statistical information as may be procured, showing, or tending to show, each year the condition of the manufactures, domestic trade, currency, and banks of the several states and territories. A special appropriation is given for collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating matter for monthly, annual, and special reports. These reports give full statements monthly, showing freight charges and cost of carriage for the chief agricultural products upon the principal lines of railroads and water-routes to the principal markets in the United States. A sum is also applied, under the direction of the Secretary of the Interior, to the procuring of statistics in relation to mines and mining, other than gold and silver, and in making chemical analyses of

iron, coal, and oil. The chief of this bureau, under the direction of the Secretary of the Treasury, annually prepares a report on the statistics of commerce and navigation of the United States with foreign countries to the close of the fiscal year. Such accounts comprehend all goods, wares, and merchandise exported from the United States to other countries; all goods, wares, and merchandise imported into the United States; and all navigation employed in the foreign trade of the United States; which facts are thus ascertained: 1. The kinds, quantities, and values of all articles exported and of all articles imported are distinctly stated in such accounts, except in cases in which it may appear to the Secretary of the Treasury that separate statements of the species, quantities, or values of any particular articles would swell the annual statements without utility; and in such cases the kinds and total values of such articles are stated together, or in such classes as the Secretary thinks fit. 2. The exports are so stated as to show the exports to each foreign country and their values; and the imports are so stated as to show the imports from each foreign country and their values. 3. The exports are so stated as to show separately the exports of articles of the production or manufacture of the United States and their values; and the exports of articles of the production or manufacture of foreign countries and their values. 4. The navigation employed in the foreign trade of the United States is stated in such manner as to show the amount of the tonnage of all vessels departing from the United States for foreign countries; and, separately, the amount of such tonnage of vessels of the United States and of foreign vessels; and also the foreign nations to which the foreign tonnage belongs, and the amount of tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels departing for every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of the tonnage of vessels of the United States and of foreign vessels; and in such manner as to show the amount of the tonnage of all vessels arriving in the United States from foreign countries; and, separately, the amount of such tonnage of vessels of the United States and of foreign vessels, and also the foreign nations to which such foreign tonnage belongs; and in such manner as also to show the amount of the tonnage of all vessels arriving from every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States and of foreign vessels. 5. Such accounts comprehend and include in tabular form the quantity by weight or measure as well as the amount of value of the several articles of foreign commerce, whether dutiable or otherwise.

In order to enable the chief of the Bureau of Statistics to prepare the annual report on the statistics of commerce and navigation required to be submitted to Congress by the Secretary of the Treasury, the following regulations are observed by all collectors of customs: 1. The kinds and quantities of all imported articles free from duty are ascertained by entry made upon oath or affirmation by the owner, or by the consignee or agent of the importer, or by actual examination where the collector thinks such examination necessary; and the values of all such articles are ascertained in the same manner in which the values of imports subject to duties *ad valorem* are ascer-

tained. 2. The values of all imported articles subject to specific duties are ascertained in the same manner. 3. The several collectors keep separate accounts of the kinds, quantities, and values of such parts of the imports subject to duties *ad valorem* as may be directed by the Secretary of the Treasury. 4. All articles exported are valued at their actual cost, or the value which they truly bear, at the time of exportation, in the ports of the United States from which they are exported; and all articles imported are valued at their actual cost, or the values which they truly bear in the foreign ports from which they are exported for importation into the United States at the time of exportation. 5. Before a clearance is granted for any vessel bound to a foreign place, the collector requires the owners, shippers, or consignors of the cargo to deliver to the collector manifests of the cargo, or of the parts thereof shipped by them respectively, which manifests specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles; and state that such manifest contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors respectively, and that the values are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and the collector also requires the master of the vessel and the owners, shippers, and consignors of the cargo to state in writing to the collector the foreign place or country in which such cargo is truly intended to be landed. The manifests and statements are verified by the oath of the person by whom they are respectively made and subscribed. 6. Every collector keeps an accurate account of the national character and tonnage of all vessels which depart from his district for foreign countries, and of the foreign places or countries for which they depart; and also an accurate account of the national characters and tonnage of all vessels which enter his district from foreign countries, and of the foreign places or countries from which they arrive. 7. The several collectors make quarter-yearly returns to the Bureau of Statistics of all the facts and matters which they are required to ascertain.

The annual report of the statistics of commerce and navigation states the kinds, quantities, and value of the merchandise entered and cleared coastwise into and from the collection districts of the United States.

The chief of the Bureau of Statistics, under the direction of the Secretary of the Treasury, prepares and publishes monthly reports of the exports and imports of the United States, including the quantities and values of goods warehoused or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of the Treasury considers expedient. He also prepares an annual statement of vessels registered, enrolled, and licensed under the laws of the United States, together with the class, name, tonnage, and place of registry of each vessel, and such other information as the secretary may deem proper to embody therein. He also prepares an annual statement of all merchandise passing in transit through the United States to foreign countries, each description of merchandise, so far as practicable, warehoused, withdrawn from warehouse for consumption, for exportation, for transportation to other districts, and remaining in the warehouse at the end of each fiscal year. He also collects, digests, and arranges for the use of Congress the statistics of the manufactures of the United States,

their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity.

Bureau of the Mint.

The Bureau of the Mint in the Treasury Department embraces in its organisation and under its control all mints for the manufacture of coin, and all assay offices for the stamping of bars authorised by law. The chief officer is denominated the Director of the Mint, and is under the general direction of the Secretary of the Treasury. He is appointed by the President, by and with the advice and consent of the Senate, and holds his office for the term of five years, unless sooner removed by the President, upon reasons to be communicated by him to the Senate. His salary is $4500, payable monthly, and he is allowed actual necessary travelling expenses in visiting the different mints and assay offices, for which he renders vouchers. He has the general supervision of all mints and assay offices, and makes an annual report to the Secretary of the Treasury of their operations at the close of each fiscal year, and from time to time such additional reports, setting forth the operations and condition of such institutions, as the Secretary of the Treasury requires, and lays before him the annual estimates for their support. And the Secretary of the Treasury appoints the number of clerks, classified according to law, necessary to discharge the duties of this bureau. In the bureau, besides clerks and other employees, are an examiner, a computer, an assayer, and an adjuster. The contingent expenses of the bureau are expended under the direction of the Director, and included in 1883 the outlay "for books, pamphlets, periodicals, specimens of coins and ores, balances, weights, and incidentals, $700; and for the collection of statistics relative to the annual production of the precious metals in the United States, $4000." The mints are at Philadelphia, San Francisco, Carson in Nevada, New Orleans, Denver; and the assay offices are at New York, Helena in Montana, Boise City in Idaho Territory, Charlotte in North Carolina, and St Louis.

DEPARTMENT OF JUSTICE.

At the seat of government there is an executive department known as the Department of Justice, and the Attorney-General is at the head of it. The Attorney-General is assisted in the performance of his duties by an officer learned in the law called the Solicitor-General, who is appointed by the President, by and with the advice and consent of the Senate, and who, in case of a vacancy in the office of Attorney-General, or of his absence or disability, has power to exercise all the duties of that office. There are also in this department two officers learned in the law called the assistant attorneys-general, appointed by the President, by and with the advice and consent of the Senate, who assist the Attorney-General and Solicitor-General in the performance of their duties. There are also in this department a solicitor and assistant solicitor of the Treasury, a solicitor of Internal Revenue, a naval solicitor, and an examiner of claims for the Department of State, who are appointed by the President, by and with the advice and consent of the Senate, and who exercise their func-

tions under the supervision and control of the head of the Department of Justice. The superintendent of the Treasury building, from time to time, provides such rooms as may be suitable and necessary for the accommodation of the Department of Justice in some building in the vicinity of the Treasury building. The seal of the Department of Justice has been approved by the President.

The Attorney-General gives his advice and opinion upon questions of law whenever required by the President. No public monies are expended upon any site or land purchased by the United States for the purpose of erecting thereon any armoury, arsenal, fort, fortification, navy yard, custom-house, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney-General has been had in favour of the validity of the title, nor until the consent of the legislature of the state, in which the land or site may be, to such purchase has been given. The district attorneys of the United States, upon the application of the Attorney-General, furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the secretaries of the departments, upon the application of the Attorney-General, procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it is paid out of the appropriation made for the contingencies of the departments respectively.

The head of any executive department may require the opinion of the Attorney-General on any question of law arising in the administration of his department. Whenever a question of law arises in the administration of the Department of War, or the Department of the Navy, the cognisance of which is not given by statute to some other officer from whom the head of the department may require advice, it is sent to the Attorney-General, to be by him referred to the proper officer in his department, or otherwise disposed of as he may deem proper. Any question of law submitted to the Attorney-General for his opinion, except questions involving a construction of the Constitution of the United States, may be by him referred to such of his subordinates as he deems appropriate; and he may require the written opinion thereon of such subordinate, whose opinion, if indorsed as approved by the Attorney-General, has the same force and effect as belong to the opinions of the Attorney-General. Except when the Attorney-General in particular cases otherwise directs, the Attorney-General and Solicitor-General conduct and argue suits and writs of error and appeals in the Supreme Court, and suits in the Court of Claims in which the United States are interested; and the Attorney-General may, whenever he deems it for the interest of the United States, either in person conduct and argue any case in any court of the United States in which the United States are interested, or may direct the Solicitor-General, or any officer of the Department of Justice, to do so. He may require any solicitor or officer of his department to perform any duty required of the department or any officer thereof.

The officers of the Department of Justice, under the direction of the Attorney-General, give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of departments and the heads of bureaux and other officers in the departments to discharge their respective duties, and on behalf of the United States procure the proper

evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims in which the United States or any officer thereof, as such officer, are parties or may be interested; and no fees are allowed or paid to any other attorney or counsellor-at-law for any service required by law of the officers of the Department of Justice; but the Attorney-General, whenever in his opinion the public interest requires it, employs and retains, in the name of the United States, such attorneys and counsellors-at-law as he thinks necessary to assist the district attorneys in the discharge of their duties, and stipulates with such assistant attorneys and counsel the amount of compensation, and has supervision of their conduct and proceedings. He exercises general superintendence and direction over the attorneys and marshals of all the districts in the United States, and the territories, as to the manner of discharging their respective duties; and the several district attorneys and marshals are required to report to him an account of their official proceedings, and of the state and condition of their respective offices in such time and manner as the Attorney-General may direct. Whenever the head of a department or bureau gives the Attorney-General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim pending in such department or bureau, he provides for such service. No compensation is allowed to any person besides the respective district attorneys and assistant district attorneys for service as an attorney or counsellor to the United States, or to any branch or department of the government thereof, except in cases specially authorised by law, and then only on the certificate of the Attorney-General that such services were actually rendered, and that the same could not be performed by him or the Solicitor-General, or the officers of the Department of Justice, or by the district attorneys. Every attorney or counsellor specially retained to assist in the trial of any case receives a commission from the head of the Department of Justice as a special assistant to the Attorney-General, or to some one of the district attorneys, as the nature of the appointment requires, and takes the oath required by law to be taken by the district attorneys, and is subject to all the liabilities imposed by law. The Solicitor-General, or any officer of the Department of Justice, may be sent by the Attorney-General to any state or district in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any state, or to attend to any other interest of the United States. The Attorney-General exercises general supervisory powers over the accounts of district attorneys, marshals, clerks, and other officers of the courts of the United States. He signs all requisitions for the advance or payment of moneys, appropriated for the Department of Justice out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the first auditor or first comptroller of the Treasury. Whenever the Solicitor-General, or any officer of the Department of Justice, is sent by the Attorney-General to any state, district, or territory, to attend to any interest of the United States, the person so sent receives, in addition to his salary, his actual and necessary expenses while absent from the seat of government, the account thereof to be verified by affidavit.

All moneys drawn out of the Treasury upon the requisition of the Attorney-General are disbursed by such one of the clerks in the Department of Justice as the Attorney-General designates.

The Solicitor of the Treasury has charge within the Department of Justice of the books, papers, and records formerly appertaining to the office of Agent of the Treasury, or to the superintendence of the collection of outstanding direct taxes and internal duties, which have been transferred to him by the Act of May 29, 1830, and remain in his charge, and of the seal adopted for the office of the Solicitor of the Treasury. Whenever he receives information from a collector of duties that such collector has delivered any bond for duties to a district attorney for suit, he makes such entry thereof as that the attorney may duly appear chargeable therewith until the amount has been paid to the United States, or he has obtained judgment thereon and delivered execution to the marshal, or otherwise been duly discharged therefrom. He makes constant and strict examination and comparisons of the reports made by collectors of bonds for duties delivered by them to district attorneys for suit, and of the returns made by district attorneys of such bonds so received by them. Whenever it appears that any collector has made return of any bond as in suit, or delivered for suit, which is not at the time in suit or delivered for suit, or has returned any bond as in suit for the whole amount thereof when part thereof has been paid to him, or as in suit for more than is actually due thereon, the Solicitor of the Treasury, immediately on discovery thereof, communicates the facts to the President of the United States. The Solicitor, under direction of the Secretary of the Treasury, takes cognisance of all frauds or attempted frauds upon the revenue, and exercises a general supervision over the measures for their prevention and detection, and for the prosecution of persons charged with the commission thereof. He establishes such regulations not inconsistent with law, with the approbation of the Secretary of the Treasury, for the observance of collectors of the customs, and, with the approbation of the Attorney-General, for the observance of district attorneys and marshals respecting suits in which the United States are parties, as are deemed necessary for the just responsibility of those officers, and the prompt collection of all revenues and debts due and accruing to the United States. But this does not apply to suits for taxes, forfeitures, or penalties arising under the internal revenue laws. He reports all moneys recovered or collected under his direction to the officer from whom the bond or other evidence of debt was received, who gives proper credit therefor; and he reports in like manner all credits allowed by due course of law, on any suits under his direction. He has power to instruct the district attorneys, marshals, and clerks of the circuit and district courts in all matters and proceedings appertaining to suits in which the United States are parties or interested, except suits for taxes, penalties, or forfeitures under the internal revenue laws, and to cause them or either of them to report to him from time to time any information he may require in relation to the same. All suits and proceedings arising out of the provisions of law governing national banking associations, in which the United States or any of its officers or agents are parties, are conducted by the district attorneys of the several districts, under the direction and supervision of the Solicitor of the Treasury.

In the prosecution of any suit for money due the Post-Office Department, the United States attorney conducting the same obeys the directions given him by the Department of Justice. When proceedings at law for money due the Post-Office Department are fruitless, the Department of Justice may direct the institution of a suit in Chancery in any United States district or circuit court to set aside fraudulent conveyances or trusts, or attach debts due the defendant, or obtain any other proper exercise of the powers of equity to have satisfaction of any judgment against such defendant. The Attorney-General from time to time causes to be edited, and printed at the Government printing-office, an edition of 1000 copies, such of the opinions of the law officers authorised to be given as he deems valuable for preservation in volumes, which, as to size, quality of paper, printing, and binding, are of uniform style and appearance; each volume to contain proper headnotes, a complete and full index, and such footnotes as the Attorney-General approves. These volumes are distributed in such manner as the Attorney-General from time to time prescribes.

It is the duty of the Attorney-General to make to Congress, at the commencement of each regular session, a report of the business of the Department of Justice for the last preceding fiscal year, and of any other matters appertaining thereto that he deems proper, including a statement of the several appropriations placed under its control, the amount appropriated, and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district; also the statistics of crime under the laws of the United States, and a statement of the number of causes, civil and criminal, pending during the preceding year in each of the several courts of the United States.

He also makes an annual report to Congress of the names of all persons employed or retained as attorneys or counsellors-at-law to assist any district attorneys in the performance of their duties, stating where and upon what business each was employed, and the compensation paid to each.

The Department of Justice is charged with the distribution to the various judges and courts of the statutes, reports, and other judicial documents provided by law. A register of the statutes of the United States, and reports of the Supreme Court, are kept under the authority of the head of the Department of Justice, showing the quantity of each kind received by him from the Secretary of the Interior; and it is his duty to cause to be entered in this register, and at the proper time, when, where, and to whom the same, or any part of them, have been distributed and delivered, and to report the same to Congress in his annual report.

POST-OFFICE DEPARTMENT.

At the seat of government is an executive department known as the Post-Office Department, and at its head a Postmaster-General, who is appointed and may be removed by the President, by and with the advice and consent of the Senate, and whose term is for and during the term of the President by whom he is appointed, and for one month thereafter unless sooner removed. There are three assistant postmasters-general, also appointed and removable by the President, by and with the advice and consent of the Senate. Before entering upon the duties of

his office, and before he receives any salary, the Postmaster-General, and each of the persons employed in the postal service, respectively take and subscribe, before some magistrate or other competent officer, the following oath: "I, A. B., do solemnly swear (or affirm) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post-offices and post-roads within the United States, and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control. So help me God." Any officer, civil or military, holding a commission under the United States is authorised to administer and certify this oath.

The Postmaster-General keeps the seal adopted for his department, which is affixed to all commissions of postmasters and others, and used to authenticate all transcripts and copies required from his department. It is his duty (1) to establish and discontinue post-offices; (2) to instruct all persons in the postal service with reference to their duties; (3) to decide on the forms of all official papers; (4) to prescribe the manner of keeping and stating accounts; (5) to enforce the prompt rendition of returns relative to accounts; (6) to control according to law, and subject to the settlement of the auditor of the Treasury for the Post-Office Department, all expenses incident to the service of the department; (7) to superintend the disposal of the moneys of the department; (8) to direct the manner in which balances shall be paid over, issue warrants to cover money into the Treasury, and to pay out the same; (9) to superintend generally the business of the department, and execute all laws relative to the postal service. He also makes out, and keeps in proper books, full and complete inventories and accounts of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by him and under his charge; and adds thereto from time to time an account of such property as may be procured subsequently to the taking of the same and also an account of the sale or disposal of any such property, and reports the same to Congress during the first week of each annual session; but this does not apply to stationery and fuel.

For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting the United States postal intercourse with them, the Postmaster-General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage on mail matter conveyed between the United States and foreign countries. He can contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than 200 miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service. He transmits a copy of each postal convention concluded with foreign Governments to the Secretary of State, who furnishes a copy of the same to the public printer for publication, and the printed proof-sheets of all such conventions are revised at the Post-Office Department. The United States is a member of the Universal Postal Union, of which most if not all civilised countries are members. The central office is known as the International Bureau of the Universal Postal Union, and is conducted under the superintendence of the Swiss Postal Administration, and the ex-

penses of which are borne by all the administrations of the Union.

The Postmaster-General may establish a blank-agency for the Post-Office Department, to be located at Washington, District of Columbia. The action of the Post-Office Department respecting foreign dead-letters is subject to conventional stipulations with the respective foreign administrations. Every order, entry, or memorandum whatever on which any action is to be based, allowance made, or money paid, and every contract paper or obligation made by or with the Post-Office Department, has its true date affixed to it, and every paper relating to contracts or allowances filed in the department has the date when it was filed indorsed upon it. All bonds taken and contracts entered into by the Post-Office Department are made to and with the United States of America. The Postmaster-General delivers to the auditor for the Post-Office Department, within sixty days after the making, any contract for carrying the mail, a duplicate copy thereof. All orders and regulations of the Postmaster-General which may originate a claim or in any manner affect the accounts of the postal service are certified to the auditor for the Post-Office Department. Upon the certified quarterly statement to the auditor for the Post-Office Department of the payments by postmasters on account of the postal service, the Postmaster-General issues his warrant to the Treasurer to carry the amount to the credit of the postal revenues and to the debit of the proper appropriations upon the books of the auditor. The postal revenues and all debts due the Post-Office Department are, when collected, paid into the Treasury of the United States under the direction of the Postmaster-General; and the Treasurer, assistant treasurer, or designated depositary receiving such payment, gives the depositor duplicate receipts therefor. All deposits on account of the postal service are brought into the Treasury by warrants of the Postmaster-General, countersigned by the auditor; and no credit is allowed for any deposit until such warrant has been issued. In all cases of fine, penalty, forfeiture, or disability or alleged liability for any sum of money, by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the postal service, the Postmaster-General may prescribe such general rules and modes of proceeding as appear to be expedient for the government of the auditor for the Post-Office Department in ascertaining the fact in each case in which the auditor certifies to him that the interests of the department probably require the exercise of his powers over fines, penalties, forfeitures, and liabilities; and upon the fact being ascertained, the auditor, with the written consent of the Postmaster-General, mitigates or remits such fine, penalty, or forfeiture, removes such disability, or compromises, releases, or discharges such claim for such sum of money and damages, and on such terms as the auditor deems just and expedient. The Postmaster-General may discharge from imprisonment any person confined in jail on any judgment in a civil case obtained in behalf of the department, if it be made to appear that the defendant has not property of any description. This release does not bar a subsequent execution against the property of the defendant on the same judgment. No person employed in the Post-Office Department shall become interested in any contract for carrying the mail or act as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the department; and any per-

son so offending is immediately dismissed from office, and is liable to pay so much money as would have been realised from said contract, to be recovered in an action of debt, for the use of the Post Office Department.

The Postmaster-General makes the following annual reports to Congress: —

1. A report of all contracts for carrying the mail made within the preceding year, giving in each case the name of the contractor, the date and duration of the contract, the routes embraced therein, with the length of each, the time of arrival and departure at the ends of each route, the mode of transportation, and the price to be paid, together with a copy of the recorded abstracts of all proposals for carrying the mail, as provided by section 3948, title "The Postal Service," of the United States revised Statutes.

2. A report of all land and water mails established or ordered within the preceding year, other than those let to contract at the annual letting, giving in each case the route or watercourse on which the mail is established, the name of the person employed to transport it, the mode of transportation, the price to be paid, and the duration of the order or contract.

3. A report of all allowances made to contractors within the preceding year above the sums originally stipulated in their respective contracts, and the reasons for the same, and of all orders made whereby additional expense is incurred on any route beyond the original contract price, giving in each case the route, the name of the contractor, the original service provided for by the contract, the original price, the additional service required, and the additional allowance therefor.

4. A report of all curtailments of expenses effected within the preceding year, giving in each case the same particulars as in the preceding report.

5. A report of the finances of the department for the preceding year, showing the amount of balance due the department at the beginning of the year, the amount of postage which accrued within the year, the amount of engagements and liabilities, and the amount actually paid during the year for carrying the mail, showing how much of the amount was for carrying the mail in preceding years.

6. A report of the fines imposed on and the deductions from the pay of contractors, made during the preceding year, stating the name of the contractor, the nature of the delinquency, the route on which it occurred when the fine was imposed, and whether the fine or deduction has been remitted, and for what reason.

7. A copy of each contract for carrying the mail between the United States and foreign countries, with a statement of the amount of postage derived under the same, so far as the returns of the department will enable it to be done.

8. A report showing all contracts which have been made by the department other than for carrying the mails, giving the name of the contractor, the article or thing contracted for; the place where the article was to be delivered, or the thing performed; the amount paid therefor; and the date and duration of the contract.

9. A report on the postal business and agencies in foreign countries.

10. A report of the amount expended in the department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund.

And the Postmaster-General causes all of such reports to be printed at the public printing-office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law.

He furnishes a copy of his annual estimates to the Secretary of the Treasury prior to the first of November in each year, which is reported to Congress by the latter in his regular printed estimates.

DEPARTMENT OF THE NAVY.

The Department of the Navy is an executive department at the seat of government, and its head is the Secretary of the Navy, who executes such orders as he receives from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment. He has the custody and charge of all the books, records, and other property remaining in and appertaining to the Department of the Navy.

The business of the department is distributed in such manner as the Secretary of the Navy judges to be expedient and proper among the following bureaux :—

1. A Bureau of Yards and Docks.
2. A Bureau of Equipment and Recruiting.
3. A Bureau of Navigation.
4. A Bureau of Ordnance.
5. A Bureau of Construction and Repair.
6. A Bureau of Steam Engineering.
7. A Bureau of Provisions and Clothing.
8. A Bureau of Medicine and Surgery.

The several bureaux retain the charge and custody of the books of records and accounts pertaining to their respective duties; and all of the duties of the bureaux are performed under the authority of the Secretary of the Navy, and their orders are considered as emanating from him, and have full force and effect as such. The chiefs of the bureaux are appointed by the President, by and with the advice and consent of the Senate, from the classes of officers mentioned below, or from officers having the relative rank of captain in the staff corps of the Navy, on the active list, and hold their offices for the term of four years: (1) The chiefs of the Bureaux of Yards and Docks, of Equipment and Recruiting, of Navigation, and of Ordnance, are appointed from the list of officers of the Navy not below the grade of commander; (2) the chief of the Bureau of Construction and Repair is appointed from those not below the grade of commander, skilful naval constructors; (3) the chief of the Bureau of Steam Engineering, from the chief engineers of the Navy, skilful engineers; (4) the chief of the Bureau of Provisions and Clothing, from the list of paymasters of the Navy of not less than ten years' standing; (5) the chief of the Bureau of Medicine and Surgery, from the list of surgeons of the Navy.

The Secretary of the Navy causes to be collected and transmitted to him at the seat of government all flags, standards, and colours taken by the Navy from the enemies of the United States.

The Secretary of the Navy makes annual reports to Congress upon the following subjects :—

1. A statement of the appropriations of the preceding fiscal year for the Department of the Navy, showing the amount appropriated under each specified head of appropriation, the amount expended under each head, and the balance which, on the 30th day of June preceding such report, remained unexpended. This

report is accompanied by estimates of the probable demands which may remain on each appropriation.

2. A statement of all offers for contracts for supplies and services made during the preceding year, by classes, indicating such as have been accepted.

3. A statement showing the amounts expended during the preceding fiscal year for wages of mechanics and labourers employed in building, repairing, or equipping vessels of the Navy, or in receiving and securing stores and materials for those purposes, and for the purchase of material and stores for the same purpose; and showing the cost or estimated value of the stores on hand under this appropriation in the Navy yards at the commencement of the next preceding fiscal year, and the cost or estimated value of articles received and expended during the year; and the cost and estimated value of the articles belonging to this appropriation on hand in the Navy yards at the close of the next preceding year.

4. A statement of all acts done by him in making sale of any vessel or material of the Navy, specifying all vessels and materials sold, the parties buying the same, and the amount realised therefrom, together with such other facts as may be necessary to a full understanding of his acts.

All estimates for specific, general, and contingent expenses of the department and of the several bureaux are furnished to the Secretary of the Navy by the chiefs of the respective bureaux.

There is a hydrographic office attached to the Bureau of Navigation, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions for the use of all vessels of the United States, and for the benefit and use of navigators generally. The Secretary of the Navy is authorised to cause to be prepared at this hydrographic office, maps, charts, and nautical books relating to and required in navigation; and to publish and furnish them to navigators at the cost of printing and paper; and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions, and instructions as he may consider necessary and deem it expedient to do so, and under such regulations and instructions as he may prescribe. All moneys received from the sale of such maps, charts, and nautical books are returned by the Secretary of the Navy into the United States Treasury, to be used in the further preparation and publication of maps, &c., for the use of seamen, to be sold at the rates above stated.

The officer of the Navy employed as superintendent of the Naval Observatory at Washington is entitled to receive the shore-duty pay of his grade, and no other. The meridian of the Observatory at Washington is adopted and used as the American meridian for all astronomical purposes, and the meridian of Greenwich is adopted for all nautical purposes. The Secretary of the Navy may place the supervision of the nautical almanac in charge of any officer or professor of mathematics in the Navy who is competent for that service, and who, when so employed, is entitled to receive the shore-duty pay of his grade, and no other. The 1886-87 appropriation for pay of computers on piece-work in preparing for publication the 'American Ephemeris and Nautical Almanac,' and improving the tables of the planets,

was $8400; and there was also an appropriation of $2640 for the compilation of the naval records of the war of the Rebellion.

DEPARTMENT OF THE INTERIOR.

At the seat of government is an executive department known as the Department of the Interior, at the head of which is the Secretary of the Interior, who has two assistant secretaries appointed by the President, by and with the advice and consent of the Senate, and who perform such duties in the department as are prescribed by the Secretary of the Interior or required by law. The Secretary is charged with the supervision of public business relating to the following subjects:—

1. The census, when directed by law.
2. The public lands, including mines.
3. The Indians.
4. Pensions and bounty lands.
5. Patents for inventions.
6. The custody and distribution of publications.
7. Education.
8. Railroads.
9. Labour.
10. Government hospital for the insane.
11. Columbia asylum for the deaf and dumb.

The Secretary of the Interior exercises all the powers and performs all the duties in relation to the territories of the United States that were, prior to March 1, 1873, by law or by custom exercised and performed by the Secretary of State. He exercises supervisory and appellate powers in relation to all acts of marshals and others in taking and returning the census. He signs all requisitions for the advance or payment of money out of the Treasury, upon estimates or accounts for expenditures upon business assigned by law to his department, subject, however, to adjustment and control by the proper accounting officers of the Department of the Treasury. He makes annual reports to Congress, as follows:—

1. A report showing the nature, character, and amount of all claims presented to him during the preceding year under laws or treaty stipulations for compensation for depredations committed by Indians, whether allowed by him or not, and the evidence upon which his action was based.

2. A report showing the quantity and kind of the copies of public journals, books, and documents which have been received by him for distribution on behalf of the Government, and showing also the time when, the place where, and the person to whom any of the same have been distributed and delivered during the preceding year.

The General Land Office.

The Commissioner of the General Land Office is appointed by the President, by and with the advice and consent of the Senate, who performs, under the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and also such as relate to private claims of lands, and the issuing of patents for all grants of land under the authority of the Government. He retains the charge of the seal of the office and of the records, books, papers, and other property appertaining to the office. When required by the President or either House of Con-

gress, he makes a plat of any land surveyed under the authority of the United States, and gives information respecting the public lands and concerning the business of his office, as directed. All returns relative to the public lands are made to the commissioner of the General Land Office, and he has power to audit and settle all public accounts relative to the public lands; and upon the settlement of any such account he certifies the balance, and transmits the account, with the vouchers and certificate, to the first comptroller of the Treasury for his examination and decision thereon. In all cases in which land has been given by the United States for military services, warrants are granted to the parties entitled to such land by the Secretary of the Interior; and these warrants are recorded in the General Land Office in books kept for the purpose, and are located as is or may be provided by law; and patents are afterwards issued accordingly. All patents issuing from the General Land Office are issued in the name of the United States, and signed by the President, and countersigned by the Recorder of the General Land Office; and are recorded in the office in books kept for the purpose. It is the duty of the recorder, in pursuance of instructions from the Commissioner, to certify and affix the seal of the office to all patents for public lands, and to attend to the correct engrossing, recording, and transmission of the patents; to prepare alphabetical indexes of the names of patentees and of persons entitled to patents, and to prepare such copies and exemplifications of matters on file or recorded in the General Land Office, as the Commissioner may from time to time direct. Whenever the office of recorder becomes vacant, or in case of his sickness or absence, the duties of his office are performed *ad interim* by the principal clerk on private land claims. Whenever any person claiming to be interested in, or entitled to, land under any grant or patent from the United States applies to the Department of the Interior for copies of papers filed and remaining therein, in anywise affecting the title to such land, it is the duty of the Secretary to cause such copies to be made out and authenticated under his hand and the seal of the General Land Office for the person so applying, upon payment at the rate of fifteen cents per hundred words, and two dollars for copies of township plats or diagrams, with an additional sum of one dollar for the Commissioner's certificate of verification with the General Land Office seal, the amount so received being, under the direction of the Commissioner, paid into the Treasury.

The Commission of Indian Affairs.

The Commissioner of Indian Affairs is appointed by the President, by and with the advice and consent of the Senate, and, under the direction of the Secretary of the Interior and agreeably to such regulations as the President may prescribe, has the management of all Indian affairs and of all matters arising out of Indian relations. All accounts and vouchers for claims and disbursements connected with Indian affairs are transmitted to the Commissioner for administrative examination, and by him passed to the proper accounting officer of the department of the Treasury for settlement. The President may prescribe such regulations as he thinks fit for carrying into effect the various provisions of any Act relating to Indian affairs, and for the settlement of the accounts of Indian affairs. The Secretary of the Interior prepares and causes to be published such regulations as he deems proper, prescribing the manner of presenting claims

arising under laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he carefully investigates all such claims as are presented, subject to the regulations prepared by him; and no payment on account of any such claims is made without a specific appropriation therefor by Congress. The Secretary adopts such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilised or hostile Indians, and enforces the same. The Commissioner annually reports separately to Congress a tabular statement showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object; describing the articles, and the quantity of each, and giving the name of each person to whom any part was paid, and how much was paid to him, and for what objects, so far as they relate to the disbursement of the funds appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service during the fiscal year next preceding each report. And he embodies in his annual report the reports of all agents or commissioners issuing food, clothing, or supplies of any kind to Indians, stating the number of Indians present and actually receiving the same.

The Commissioner of Pensions.

The Commissioner of Pensions is appointed by the President, by and with the advice and consent of the Senate, and performs, under the direction of the Secretary of the Interior, such duties in the execution of the various pension and bounty-land laws as may be prescribed by the President. He is authorised, with the approval of the Secretary of the Interior, to appoint a person to sign the name of the Commissioner to certificates or warrants for bounty lands; and certificates or warrants so signed are as valid as if signed by the Commissioner. He is authorised to detail from time to time any of the clerks in his office to investigate any suspected attempts to defraud the United States, in or affecting the administration of any law relative to pensions, and to aid in prosecuting any person implicated, with such additional compensation as is customary in cases of special service. Any person so detailed has the power to administer oaths in the course of any such investigation.

The Patent Office.

In the Department of the Interior is an office known as the Patent Office where all records, books, models, drawings, specifications, and other papers and things pertaining to patents, are safely kept and preserved. There are a Commissioner of Patents, one assistant commissioner, and three examiners-in-chief appointed by the President, by and with the advice and consent of the Senate. All other officers, clerks, and employees authorised by law for the office are appointed by the Secretary of the Interior upon the nomination of the Commissioner of Patents. The Commissioner of Patents and the chief clerk, before entering upon their duties, severally give bond with sureties to the Treasurer of the United States, the former in the sum of $10,000, and the latter in the sum of $5000, conditioned for the faithful discharge of their respective duties, and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices. All officers and employees of the Patent Office are incapable, during

the period for which they hold their appointments, to acquire or take, directly or indirectly, by inheritance or bequest, any right or interest in any patent issued by the office. Under the direction of the Secretary of the Interior, the Commissioner of Patents superintends or performs all duties respecting the granting and issuing of patents directed by law; and he has charge of all books, records, papers, models, machines, and other things belonging to the Patent Office. The examiners-in-chief are persons of competent legal knowledge and scientific ability, whose duty it is on the written petition of the appellant to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for reissues of patents, and in interference cases; and when required by the Commissioner, they hear and report upon claims for extensions, and perform such other like duties as he may assign them. The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may from time to time establish regulations not inconsistent with law for the conduct of proceedings in the Patent Office; and he causes to be classified and arranged in suitable cases, in the rooms and galleries provided for that purpose, the models, specimens of composition, fabrics, manufactures, works of art, and designs which are or may be deposited in the Patent Office; and the rooms and galleries are kept open during suitable hours for public inspection. The Commissioner may restore to the respective applicants such of the models belonging to rejected applications as he does not think necessary to be preserved, or he may sell or otherwise dispose of them after the application has been finally rejected for one year, paying the proceeds into the Treasury as other patent moneys are directed to be paid.

There is purchased for the use of the Patent Office a library of such scientific works and periodicals, both foreign and American, as may aid the officers in the discharge of their duties, not exceeding the amount annually appropriated for that purpose.

For gross misconduct, the Commissioner may refuse to recognise any person as a patent agent, either generally or in any particular case; but the reasons for such refusal shall be duly recorded and be subject to the approval of the Secretary of the Interior. The Commissioner may require all papers filed in the Patent Office, if not correctly, legibly, and clearly written, to be printed at the cost of the party filing them; and he may print or cause to be printed copies of the claims of current issues, and copies of such laws, decisions, regulations, and circulars as may be necessary for the information of the public. He is authorised to have printed from time to time for gratuitous distribution, not to exceed over 150 copies of the complete specifications and drawings of each patent, with suitable indexes, one copy to be placed for free public inspection in each capital of every state and territory, one for the like purpose in the clerk's office of the district court of each judicial district of the United States, except when such offices are located in state or territorial capitals, and one in the Library of Congress, which copies are to be certified under the hand of the Commissioner and seal of the Patent Office, and are not to be taken from the depositories for any other purpose than to be used for evidence. The Commissioner is authorised to have printed such additional numbers of copies of specifications and drawings, certified as aforesaid, at a price not to exceed

the contract price for such drawings for sale, as may be warranted by the actual demand for the same; and to furnish a complete set of such specifications and drawings to any public library, which pays for binding the same into volumes to correspond with those in the Patent Office, and for the transportation of the same, and which also provides for proper custody for the same, with convenient access for the public thereto, under such regulations as the Commissioner deems reasonable. The lithographing and engraving required for these purposes are awarded to the lowest and best bidders for the interests of the Government, due regard being paid to the execution of the work, after due advertising by the congressional printer under the direction of the joint-committee on printing; but the joint-committee may empower the public printer to make immediate contracts for engraving, whenever in their opinion the exigencies of the public service do not justify waiting for advertisement and award; or if in the judgment of the joint-committee the work can be performed under the direction of the Commissioner of Patents more advantageously than in the manner above described, it is so done under such limitations and conditions as the joint-committee from time to time prescribe. The price paid for uncertified printed copies of specifications and drawings of patents is determined by the Commissioner within the limits of 10 cents as the minimum, and 50 cents as the maximum price.

The Commissioner of Patents lays before Congress in the month of January, annually, a report giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating under proper heads the subjects of such patents; an alphabetical list of all the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent Office as may be useful to Congress or the public.

The collection of the Exploring Expedition, now in the Patent Office, is under the care and management of the Commissioner of Patents. All disbursements for the Patent Office are made by the disbursing clerk of the Interior Department.

Superintendent of Public Documents.

The Secretary of the Interior is charged with receiving, arranging, and safe-keeping for distribution, and of distributing to the persons entitled by law to receive the same, all printed journals of the two Houses of Congress, and all other books and documents of every nature whatsoever, directed by law to be printed or purchased for the use of the Government, except such as are directed to be printed or purchased for the particular use of Congress, or of either House thereof, or for the particular use of the executive or of any of the departments, and any person whose duty it is by law to deliver any of the same delivers them at the rooms assigned by the Secretary of the Interior therefor. The Secretary is required to furnish to the head of the Department of Justice, from time to time as they are published, a sufficient number of the United States Statutes, and the reports of the Supreme Court of the United States, to be by him distributed to such officers of the United States courts as

are by law entitled to receive them. A register of all publications received at the Department of the Interior for safe-keeping and distribution is kept under the direction of the Secretary, showing the quantity and kind at any time received by him; and he causes to be entered in this register, at the proper time, the time when, the place where, and the person to whom any of such publications have been distributed or delivered. The publications received by the Secretary for distribution are delivered, not only on the written requisition of the heads of departments, Secretary of the Senate, Clerk of the House of Representatives, Librarian of Congress, and other officers and persons who are by law authorised to receive the same, except where by law the Secretary of the Interior is required, without such requisition, to cause the same to be sent and delivered; and in either of such cases, it is the Secretary's duty to cause the same to be sent and delivered, the expense thereof, except when otherwise directed, to be charged on the contingent fund of the department. The copies of journals, books, and public documents, which are authorised to be distributed to incorporated bodies, institutions, and associations within the states and territories, are distributed to such bodies as are designated to the Secretary of the Interior by each of the senators from the several states respectively, and by the representatives in Congress from each congressional district, and by the delegate from each territory. The distribution is made in such manner that the quantity distributed to each congressional district and territory is equal; except whenever the number of copies of any publication is insufficient to supply therewith one institution upon the designation of each senator and representative, the copies at the disposal of the Secretary may be distributed to such incorporated colleges, public libraries, athenæums, literary and scientific institutions, boards of trade, or public associations, as he may select. The selection of an institution to receive the documents ordered to be published or procured at the first session of any Congress controls the documents of the entire Congress, unless another designation be made before any distribution has taken place under the selection first made. Where the same work is printed by order both of the Senate and House of Representatives, the duplicates may be sent to different institutions if so desired by the member whose right it is to direct the distribution. And the public documents to be distributed by the Secretary are sent to the institutions already designated, unless he is satisfied that any such institution is no longer a suitable depository of the same. Congressional journals and public documents authorised to be distributed to institutions on the designation of members of Congress are sent to such libraries and institutions only as signify a willingness to pay the cost of their transportation. So many copies of the public journals of the Senate and of the House of Representatives are transmitted by the Secretary of the Interior to the executives of the several states and territories as are sufficient to furnish one copy to each executive, one copy to each branch of every state and territorial legislature, one copy to each university and college in each state, and one copy to the historical society incorporated in each state. Fifty copies of the documents ordered by Congress to be printed are used for the purpose of exchange in foreign countries; the residue of the copies are deposited in the United States Library, subject to the future disposition of Congress. Only such of the books published by the

Government, and usually known by the name of "public documents," are supplied to any legation or consulate of the United States as are first designated by the Secretary of State by an order to be recorded in the State Department as suitable for and required by such legation and consulate. Whenever there are in the custody of the Department of the Interior any sets of the documents of any session of Congress, or other documents or odd volumes not necessary to supply deficiencies or losses that may happen in the Library of Congress, or in that of either of the executive departments or in state or territorial libraries, the Secretary of the Interior distributes the same as equally as practicable to the several senators, representatives, and delegates in Congress for distribution in public libraries and other literary institutions in their respective districts. All such books and documents, when received at the proper offices, libraries, and other depositories as provided by law, are kept there, and not removed from such places. The superintendent of public documents (appointed by the Secretary) in the Department of the Interior is charged, subject to the general direction of the Secretary, with the duty of collecting, arranging, preserving, packing, and distributing the publications received at the department for distribution, and with the duty of compiling and supervising the Biennial Register. Suitable rooms in the Department of the Interior are from time to time assigned by the Secretary for the journals, books, and documents.

As soon as practicable, after the last day of September in each year in which a new Congress is to assemble, a register is compiled and printed under the direction of the Secretary of the Interior, of which 1500 copies are published, and which contains the following lists made up to such last day of September:—

1. Correct lists of the officers, clerks, employees, and agents, civil, military, and naval, in the service of the United States, including cadets and midshipmen, which lists exhibit the amount of compensation, pay, and emoluments allowed to each, the state or country in which he was born, the state or territory from which he was appointed to office, and where employed.

2. A list of the names, force, and condition of all the ships and vessels belonging to the United States, and when and where built.

3. Lists of all printers of the laws of the United States, and of all printers employed by Congress or by any department or officer of the Government during the two years preceding the last day of September up to which such list is required to be made, with the compensation allowed to each, and designating the department or officer causing the printing to be executed.

4. A statement of all allowances made by the Postmaster-General within the same period of two years to each contractor on contracts for carrying the mail, discriminating the sum paid as stipulated by the original contract and the sums paid as additional allowance.

On the first Monday in January in each year when a new Congress is assembled, there is delivered to the President, the Vice-President, each head of a department, each member of the Senate and House of Representatives, one copy of the Biennial Register; to the secretary of the Senate and the clerk of the House of Representatives ten copies each for the use of the respective Houses; to the Library of Congress twenty-five copies; and to the secretary of state of each state one copy; and the residue of the copies is disposed

of as Congress from time to time directs.

The Returns Office.

The Secretary of the Interior from time to time provides a proper apartment, to be called the Returns Office, in which he causes to be filed the returns of contracts made by the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, and appoints a clerk of the first class to attend to the same. This clerk files all returns made to the office, so that the same may be of easy access, keeping all returns made by the same officer in the same place, and numbering them in the order in which they are made. He provides and keeps an index-book with the names of the contracting parties, and the number of each contract opposite to the names, and submits the index-book and returns to any person desiring to inspect it. He furnishes copies of such returns to any person paying therefor at the rate of five cents for every one hundred words, to which copies certificates are appended, in every case by the clerk making the same, attesting their correctness, and that each copy so certified is a full and complete copy of the return.

The Office of Education.

In the Department of the Interior is a bureau called the Office of Education, the purpose and duties of which are to collect statistics and facts showing the condition and progress of education in the several states and territories, and to diffuse such information respecting the organisation and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. The management of the Office of Education, subject to the direction of the Secretary of the Interior, is intrusted to a Commissioner of Education, who is appointed by the President, by and with the advice and consent of the Senate. This Commissioner presents annually to Congress a report embodying the results of his investigations and labours, together with a statement of such facts and recommendations as will in his judgment subserve the purpose for which the office is established. The chief of engineers furnishes proper offices for the use of the Office of Education.

Office of Commissioner of Railroads.

In 1878 the office of auditor of railroad accounts was established as a bureau of the Interior Department, and in 1881 the said auditor became Commissioner of Railroads. This Commissioner has a salary of $4500; and in his office are one bookkeeper, salary, $2400; one railroad engineer, $2500; one assistant bookkeeper, $1800; one clerk of class three, one copyist, and one assistant messenger.

The duties of the Commissioner, under and subject to the direction of the Secretary of the Interior, are to prescribe a system of reports to be rendered to him by the railroad companies whose roads are in whole or in part west, north, or south of the Missouri river, and to which the United States have granted any loan of credit or subsidy in bonds or money; to examine the books and accounts of each of said railroad companies once in each fiscal year, and at such other times as may be deemed by him necessary to determine the correctness of any report received from them; to assist the Government directors of any of said railroad com-

panies in all matters which come under their cognisance, whenever they may officially request such assistance; to see that the laws relating to said companies are enforced; to furnish such information to the several departments of the Government in regard to tariffs for freight and passengers, and in regard to the accounts of said railroad companies, as may be by them required, or, in the absence of any request therefor, as he may deem expedient for the interest of the Government; and to make an annual report to the Secretary of the Interior on the first day of November, on the condition of each of said railroad companies, their roads, accounts, and affairs for the fiscal year ending June 30th immediately preceding.

Each and every of said railroad companies which has received from the United States any bonds of the United States issued by way of loan to aid in constructing or furnishing its road, or which has received from the United States any lands granted to it for a similar purpose, shall make to the said Commissioner any and all such reports as he may require from time to time, and shall submit its books and records to the inspection of said Commissioner, or any person acting in his place or stead, at any time that the said Commissioner may request, in the office where said books and records are usually kept; and the Commissioner, or his authorised representative, make such transcripts from such books and records as he may desire. The penalty in each case for neglect or refusal to make such reports or to submit books and records for inspection is not less than $1000 nor more than $5000.

Bureau of Labour.

By the Act of June 27, 1884, there was established in the Department of the Interior a Bureau of Labour, under the charge of a Commissioner of Labour appointed by the President, by and with the advice and consent of the Senate. This Commissioner holds his office for four years, and until his successor is appointed and qualified, unless sooner removed, and receives a salary of $3000 a-year. He collects information upon the subject of labour, its relation to capital, the hours of labour, and the earnings of labouring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. By the Act of August 2, 1886, the Commissioner was directed, under the direction of the Secretary of the Interior, to make a full investigation as to the kind and amount of work performed in the penal institutions of the several states and territories of the United States and the District of Columbia, as to the methods under which convicts were or might be employed, and as to all the facts pertaining to convict labour and the influences of the same upon the industries of the country, and to embody the results of such investigation in his second annual report to the Secretary of the Interior; provided that the investigation could be carried out under the appropriations made for the expenses of the Bureau of Labour for the fiscal year ending June 30, 1887. By the Act of July 3, 1886, it was resolved that there be printed 54,000 copies, in cloth binding, of the First Annual Report of the Commissioner of Labour, 26,000 copies for the use of members of the House of Representatives, and 13,000 for the use of members of the Senate, and 15,000 copies for the use of the Department of the Interior and the Bureau of Labour, the latter number to be wrapped for mailing in such manner as the Secretary of the Interior might direct. The sum of $18,808\frac{21}{100}$, or so much thereof as

might be necessary to defray the cost of the publication of this report, and the further sum of $275, or so much as might be necessary to defray the cost of wrapping 15,000 copies, were appropriated out of any money in the Treasury not otherwise appropriated.

According to the appropriations for the fiscal year 1886-87, there are employed in the Bureau of Labour the Commissioner of Labour, a chief clerk appointed by the Secretary of the Interior upon the recommendation of the Commissioner, salary, $2000; 2 clerks of class four, both statistical experts; 2 clerks of class three, one of whom may be a stenographer; 2 clerks of class two; 4 clerks of class one, one of whom may be a translator and one a stenographer; 2 clerks at $1000 each; 2 copyists; 2 copyholders at $720 each; 1 assistant messenger at $600; 1 watchman; 1 skilled labourer, $600; 2 charwomen at $240 each; 18 special agents, at least 2 of whom shall be females, at $1400 each—in all, $52,960.

There was also appropriated a sum of $500 for books, periodicals, and newspapers for the library of the bureau.

DEPARTMENT OF AGRICULTURE.

The general design and duties of the Department of Agriculture, which is at the seat of government, are to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants. It is under the charge of a Commissioner of Agriculture, who is appointed by the President, by and with the advice and consent of the Senate. The department is separated into a number of divisions. The appropriations for the fiscal year 1886-87 included appropriations in connection with this department for—

1. *Botanical Division.*—For investigating the nature of the diseases of fruits and fruit-trees, grains, and other useful plants, due to parasitic fungi, and for experiments necessary to determine suitable remedies for these diseases, and for field investigation in the south and west with respect to the discovery and introduction into cultivation of forage plants and grasses suitable to increase the grazing capacity of the arid districts of the south and west.

2. *Pomological Division.*—For the collection and dissemination of pomological information.

3. *Microscopical Division.* — For microscopical apparatus, chemicals, and purchase of food samples and filters in making necessary investigations and examinations into the adulteration of food.

4. *Chemical Division.* — Chemicals and apparatus for the use of the chemist, and for necessary changes in and additions to the fixtures to the laboratory, and necessary expenses in conducting experiments, including purchase of samples; for purchase, erection, transportation, and operation of machinery, and necessary travelling within the United States, and other expenses in continuing and concluding experiments in the manufacture of sugar by the diffusion and saturation processes, from sorghum and sugar-cane, so much thereof as may be necessary to be immediately available. All machinery purchased was to be built in the United States wholly of domestic material, except so much of it, not

exceeding $10,000 in cost, as was then under contract, express or implied, or such parts thereof as could not be built in the United States within proper time.

5. *Entomological Division.*—For investigating the history and habits of insects injurious to agriculture and horticulture, experiments in ascertaining the best means of destroying them, for drawings and illustrations, and for chemicals and travelling within the United States, and other expenses on the practical work of the entomological division.

6. *Division of Economy, Ornithology, and Mammalogy.*—An investigation of the food, habits, distribution, and migrations of North American birds and mammals in relation to agriculture, horticulture, and forestry; for publishing reports thereon; and for drawings and travelling and other expenses in the practical work of the division.

7. *Silk-Culture.*—For collecting and disseminating information relating to silk-culture, for purchasing and distributing silkworm eggs, and for conducting at some point in the District of Columbia experiments with automatic machinery for reeling silk from the cocoon. The Commissioner was authorised to sell in open market any and all reeled silk and silk-waste produced in these experiments, and to apply the proceeds of such sales to the payment of the legitimate expenses incurred therein; and he should make full report to Congress of the experiments, and also of all sales and purchases. For the encouragement and development of the culture of raising raw silk $5000 were to be expended under the direction of the Woman's Silk-Culture Association of the United States, located at Philadelphia, and to be paid directly to said association.

8. *Experimental Gardens and Grounds.*—For superintendent, labour, material, &c., "for the purchase, cultivation, propagation, and distribution of foreign medicinal plants, $2000."

9. *Museum.* — "Collecting and modelling specimens of fruits and vegetables, and collecting and preparing specimens for the museum and herbarium, $1000."

10. *Seed Division.*—"For the purchase and propagation and distribution as required by law of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, to be distributed in localities adapted to the culture, in all, $108,240. An equal proportion of two-thirds of all plants, seeds, trees, cuttings, vines, and shrubs shall, upon their request, be supplied to senators, representatives, and delegates in Congress for distribution among their constituents, or shall, by their direction, be sent to their constituents; and the persons receiving such seeds shall inform the department of the result of the experiments therewith: Provided that all seeds, plants, and cuttings herein allotted to senators, representatives, and delegates in Congress for distribution, remaining uncalled for at the end of the fiscal year, shall be distributed by the Commissioner of Agriculture; and provided also that the Commissioner shall report as provided in this Act the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings, and vines:

But provided, however, that the Commissioner shall not distribute to any senator, representative, or delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents."

11. *Division of Agricultural Statistics.*—For collecting foreign and domestic agricultural statistics, and compiling, writing, and illustrating matter for monthly, annual, and special reports.

12. *Library.*—For entomological and botanical works of reference, works on chemistry and mineralogy, charts, current agricultural works for library, miscellaneous agricultural periodicals, and the completion of imperfect series.

13. *Bureau of Animal Industry.*—The Act of 29th May 1884, c. 60, authorised the Commissioner of Agriculture to organise in his department a bureau of Animal Industry, the chief thereof to be a competent veterinary surgeon, whose duty it should be to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as should be valuable to the agricultural and commercial interests of the country. He was authorised to appoint two competent agents, who should be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live-stock, whose duty it should be, under his, the Commissioner of Agriculture's, instructions, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other dangerous, contagious, infectious, and communicable diseases. It is the duty of the Commissioner to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each state and territory, and invite said authorities to co-operate in the execution and enforcement of said Act. Whenever the plans and methods of the Commissioner are accepted by any state or territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such state or territory has adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods are accepted by the Commissioner, and whenever the governor of a state, or other properly constituted authorities, signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease, in conformity with the provisions of said Act, the Commissioner of Agriculture is authorised to spend so much of the money appropriated as may be necessary to prevent the spread of the disease from one state or territory into another. In order to promote the exportation of live-stock from the United States, the Commissioner makes special investigation as to the existence of pleuro-pneumonia or any contagious, infectious, or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live-stock are exported, and makes report of the results of such investigations to the

Secretary of the Treasury, who from time to time establishes such regulations concerning the exportation and transportation of live-stock as the results of said investigations may require. To prevent the exportation from any port of the United States of such diseased live-stock, the Secretary of the Treasury takes such steps and adopts such measures, not inconsistent with said Act, as he may deem necessary. No railroad company within the United States, or the owners or masters of any steam, or sailing, or other vessel or boat, shall receive for transportation or transport, from one state or territory to another, or from any state into the District of Columbia, or from the district into any state, any live-stock affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live-stock knowing them to be so affected; nor shall any person, company, or corporation drive on foot, or transport in private conveyance, from one state or territory or said district to another, any live-stock, knowing them to be so affected: Provided that the so-called splenetic or Texas fever be not considered a contagious, infectious, or communicable disease within the meaning of these provisions, as to cattle being transported by rail to market for slaughter when the same are unloaded only to be fed and watered in lots on the way thereto. It is the duty of the Commissioner to notify in writing the proper officials or agents of any railroad, steamboat, or other transportation company, doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, such cattle or other live-stock within such infected district who knowingly violate the provisions as to transporting affected live-stock, are guilty of a misdemeanour, and, upon conviction, are punished by a fine of not less than $100, nor more than $5000, or by imprisonment for not less than one year, or by both such fine and imprisonment. Whenever any contagious, infectious, or communicable disease affecting domestic animals, and especially pleuro-pneumonia, is brought into or breaks out in the District of Columbia, it is the duty of the commissioners of said district to take measures to suppress the same promptly, and to prevent the same from spreading; and for this purpose they are empowered to order and require that any premises, farm, or farms, where such disease exists or has existed, be put in quarantine; to order all or any animals coming into the district to be detained at any place or places, for the purpose of inspection and examination; to prescribe regulations for, and to require the destruction of, animals affected with contagious, infectious, or communicable disease, and for the proper disposition of their bodies and carcasses; to prescribe regulations fer disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and to report to the Commissioner of Agriculture whatever they may do. It is the duty of the several United States district attorneys to prosecute all violations of this Act brought to their notice or knowledge, by any person making the complaint under oath; and the same are heard before any district or circuit court of the United States, or territorial court, holden within the district in which

the violation of this Act has been committed. The Commissioner of Agriculture reports annually to Congress at the commencement of each session a list of the names of all persons employed, an itemised statement of all expenditures under this Act, and full particulars of the means adopted and carried into effect for the suppression of contagious, infectious, or communicable diseases among domestic animals. By the Appropriation Act of 1886, the sum of $100,000 was appropriated for the purposes of this bureau, including the expenditure in the purchase and destruction of diseased animals whenever, in the judgment of the Commissioner, it was essential to prevent the spread of pleuro-pneumonia from one state into another.

14. *Quarantine Stations for Neat Cattle.* — To establish and maintain quarantine stations, and to provide proper shelter for and care of neat cattle imported, at such ports as may be deemed necessary.

15. *Division of Forestry.* — "For the purpose of enabling the Commissioner of Agriculture to experiment, and to continue an investigation and report upon the subject of forestry, and the collection and distribution of valuable economic forest-tree seeds and plants."

16. *Reclamation of Arid and Waste Lands.*—To aid in sinking an artesian well in Eastern Oregon or Eastern Washington territory, with a view to reclaim arid and waste public lands, such well to be located and money expended under the direction of the Commissioner, in conjunction with the expenditure of any appropriation made, or which may be made, by said state or territory, and contributions by individuals for such purposes — $5000. Provided that no part of this money be used in sinking any well, except the same be located on lands owned by the United States, and the 160 acres of land on which the same may be sunk be reserved from sale till otherwise provided by law.

17. *Tea-Culture.* — For the distribution of the tea-plants on the Government tea-farm in South Carolina, or such number of them as are in proper condition for transplanting, and to preserve the property and close out the interests of the Government at that place.

Animals brought into the United States temporarily, and for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural or racing association, are admitted free, but a bond has to be first given in accordance with the regulations; and animals specially imported for breeding purposes are admitted free upon proof thereof satisfactory to the Secretary of the Treasury, and under such regulations as he may prescribe.

The Commissioner of Agriculture annually makes a general report in writing of his acts to the President and to Congress, in which he may recommend the publication of papers forming parts of or accompanying his report, which also contains an account of all moneys received and expended by him. He also makes special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he thinks the subject in his charge requires it. On or before the 15th day of December in each year, he makes a report in detail to Congress of all moneys expended by him or under his direction. He has also to account and report to the proper accounting officers of the Treasury, in the same manner and at the same time as the heads of executive departments of the Government are required by law to account and report.

The sum of $200,000, or so much thereof as might be necessary, was appropriated out of any money in the Treasury not otherwise appropriated, to defray the cost of printing 400,000 copies of the annual report of the Commissioner for Agriculture for the year 1886. 300,000 copies were for the use of members and delegates of the House of Representatives; 75,000 copies for the use of members of the Senate; and 25,000 copies for the use of the Department of Agriculture.

COMMISSIONER OF FISH AND FISHERIES.

The President, with the advice and consent of the Senate, appoints, from among the civil officers or employees of the Government, a Commissioner of Fish and Fisheries, who is a person of proved scientific and practical acquaintance with the fishes of the coast, and who serves without additional salary. There is also an assistant commissioner. The Commissioner prosecutes investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food-fishes of the coast and the lakes of the United States has taken place, and if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and reports upon the same to Congress. The heads of the several executive departments cause to be rendered all necessary and practical aid to the Commissioner in the prosecution of his investigations and inquiries. The Commissioner may take, or cause to be taken, at all times, in the waters of the sea-coast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any state to the contrary notwithstanding. The appropriations for the year 1886-87 were — $130,000 for the introduction into and the increase in the waters of the United States of food-fishes, and other useful products of the waters, including lobsters, oysters, and other shell-fish, and for continuing the inquiry into the fisheries of the United States and their subjects, and for such general and miscellaneous expenditures as the Commissioner of Fish and Fisheries might find necessary to the prosecution of his work, including salaries; $10,000 for the establishment of a fish-hatchery on Lake Superior, at or near Duluth, Minnesota, provided the city of Duluth should furnish without charge a suitable site; $2040 for rent of rooms in the city of Washington; $45,000 for the preparation and maintenance of fish-ponds in Washington and elsewhere, and the distribution of the eggs and young of the whitefish, salmon, shad, cod, carp, and other useful inhabitants of the waters, including salaries; $45,000 for the maintenance of the vessels of the United States Fish Commission, and for boats, apparatus, machinery, &c., including salaries.

The public printer is instructed to print and stereotype from time to time the regular number of 1900 copies of any matter furnished him by the Commissioner relative to new observations, discoveries, and applications connected with fish-culture and the fisheries, to be capable of being distributed in parts, and the whole to form an annual volume or bulletin not exceeding 500 pages.

The edition of this annual work consists of 5000 copies, of which 2500 are for the use of the House of Representatives, 1000 for the use of the Senate, and 1500 for the use of the Commissioner.

PUBLIC PRINTING.

There is a joint-committee on public printing, consisting of three members of the Senate appointed by the President of the Senate, and three members of the House of Representatives appointed by the Speaker of the House, who have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing; but no arrangement entered into by them takes effect until it has been approved by that House of Congress to which the printing belongs, or by both Houses, when the printing delayed relates to the business of both. The President, by and with the advice and consent of the Senate, appoints a suitable person, who must be a practical printer and versed in the art of bookbindery, to take charge of and manage the Government printing-office, and he is deemed an officer of the United States, and is called the "public printer." He gives bonds for the faithful discharge of his duties in the penal sum of $80,000, with two sureties approved by the Secretary of the Interior. It is his duty to purchase all materials and machinery necessary for the Government printing-office; to take charge of all matter which is to be printed, engraved, lithographed, or bound; to keep an account thereof in the order in which it is received, and to cause the work to be promptly executed; to superintend all printing and binding done at the Government printing-office, and to see that the sheets or volumes are promptly delivered to the officer who is authorised to receive them. At the beginning of each session of Congress, he submits to the joint-committee on public printing estimates of the quantity of paper of all descriptions which will be required for the public printing during the ensuing year, and the joint-committee fix upon standards of paper for the different descriptions of public printing, and the public printer, under their direction, advertises in certain newspapers for sealed proposals to furnish such paper. No contract for furnishing paper is valid until it has been approved by the joint-committee, if made under their direction, or by the Secretary of the Interior if made under his direction. Whenever it is necessary for the public printer to make purchases of material, he prepares a schedule of the articles required, showing the description, quantity, and quality of each article, and invites proposals for furnishing the same, either by advertisement or circular, as the joint-committee directs, and makes contracts with the lowest responsible bidder, making a return of the same to the joint-committee, showing the number of bidders, the amounts of each bid, and the awards of the contracts. The joint-committee may authorise him to purchase material in open market, not exceeding $50, for any particular article required. Whenever any charts, maps, diagrams, views, or other engravings are required to illustrate any document ordered to be printed by either House of Congress, such engravings are procured by the public printer, under the direction and supervision of the committee on printing of the House ordering the same. The public printer may contract for the lithographing of the maps of the several

states and territories accompanying the annual report of the Commissioner of the General Land Office. No printing or binding not provided for by law is executed at the Government printing-office. All printing, binding, and blank-books for the Senate or House of Representatives, and the Executive and Judicial Departments, are done at the Government printing-office, except in cases otherwise provided by law. Registered bonds and written records may be bound at the Treasury Department. No officer in charge of any bureau or office in any department shall cause to be printed at the public expense any report he may make to the President or to the head of the department, except as provided by law; and no printing or binding is done, or blank-books furnished in either House of Congress, except on the written order of the Secretary of the Senate or of the Clerk of the House of Representatives respectively; or for any of the executive departments, except on a written requisition by the head of such department, or one of his assistants.

There are printed 750 copies of every bill or joint-resolution ordered by either House of Congress, or required by any rule thereof to be printed, unless a different number is specially ordered. 1550 copies of any document ordered by Congress are printed, and that is known as the usual number, and no greater number is printed unless ordered by either House, or when so directed by the joint-committee on the library, the public printer may print 50 or 100 extra copies of all documents printed by order of the House of Congress, or of any department or bureau of the Government. All motions to print extra copies of any bill, report, or other public document are referred to the committee on printing of that House in which such motion is made, and the House first ordering a document to be printed immediately notifies the other House of such order. All propositions in either House of Congress for printing extra copies of documents, the cost of which exceeds $500, are by concurrent resolution, which, upon its transmission from either House, is immediately referred to the committee on printing of the House to which it is sent. The annual report of the Postmaster-General of offers received and contracts for conveying the mail are not printed unless specially ordered by either House of Congress.

Of the documents stated below, there are printed and bound in addition to the usual number for Congress, the following number of copies, namely:—

Of the documents accompanying the annual reports of the executive departments, 1000 copies for the use of the members of the Senate; 2000 copies for the use of the members of the House of Representatives.

Of the President's message, the annual reports of the executive departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, 10,000 copies for the use of the members of the Senate; 25,000 copies for the use of the members of the House of Representatives.

Of papers relating to foreign affairs accompanying the annual message of the President, 2000 copies for the use of senators; 4000 copies for the use of representatives.

Of the 'Commercial Relations' annually prepared under the directions of the State Department, 2000 copies for the use of senators; 3000 copies for the use of representatives.

Of the annual report on the statistics of commerce and navigation,

exports and imports, merchandise in transit, manufactures, and registered and enrolled vessels, prepared by the chief of the Bureau of Statistics, 2000 copies for the use of senators; 6150 copies for the use of representatives.

Of the public journals of the Senate and of the House of Representatives, 1550 copies.

Of the documents printed by order of either House, 50 additional copies are printed and bound for the purpose of exchange in foreign countries.

1500 copies of the 'Biennial Register' are printed and bound.

The first edition of the 'Congressional Directory' for each session is printed and ready for distribution within one week after the commencement thereof.

There is a great mass of miscellaneous, so to speak, printing done *e.g.*, by joint-resolution of August 4, 1886, it was resolved that there be printed 10,000 copies of the report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia, Pennsylvania, in September 1880, of which 3000 copies should be for the use of senators, 6000 copies for the use of representatives, and 3000 copies for the use of the Commissioner of Agriculture (an obvious mistake in the numbers); and, by another joint-resolution of the same date, 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1886 were to be printed,—300,000 copies for the use of the members and delegates of the House of Representatives, 75,000 copies for the use of senators, and 25,000 copies for the use of the Department of Agriculture.

At the close of each session of Congress there are printed and bound for the use of the Senate 3000, and for the use of the House of Representatives 10,000, copies of all Acts and resolutions, furnished the public printer, as soon as possible after its approval by the President of the United States, or after it has become a law in accordance with the Constitution without such approval, with a complete alphabetical index prepared under the direction of the joint-committee on public printing. The Secretary of the Interior at the same time causes to be published 11,000 copies of the Acts and resolutions passed by Congress, the amendments to the Constitution adopted, and all public treaties and postal conventions made and ratified since the then last publication of the laws.

If any person desiring extra copies of any documents printed at the Government printing-office by authority of law, previous to its being put to press, notifies the public printer of the number of copies wanted, and pays to him in advance the estimated cost thereof, and ten per centum thereon, the public printer may, under the direction of the joint-committee on public printing, furnish the same. The public printer furnishes to all applicants copies of bills and reports and other public documents printed by order of Congress and distributed from the document-rooms of the Senate and House, on said applicants paying the cost of such printing, with ten per cent added, &c.; and he forwards free of charge one copy of the 'Daily Congressional Record' to each United States legation abroad, and also furnishes the chief-justice and each of the associate justices of the United States Supreme Court, and the clerk and marshal of the court, with a current copy of the 'Daily Congressional Record,' and at the end of each session with a bound copy of the 'Proceedings of Congress' for each session.

The public printer, on the first

day of each session of Congress, or as soon thereafter as is practicable, reports to Congress the exact condition and the amount and cost of the public printing, binding, lithographing, and engraving; the amount and cost of all paper purchased for the same; a detailed statement of proposals made and contracts entered into for the purchase of paper and other materials, and for lithographing and engraving; of all payments made during the preceding year under his direction; of the amount of work ordered and done, with a general classification thereof for each department, and a detailed statement of each account with the departments or public officers; a detailed statement of the number of hands employed in the establishment, and the time each has been employed; and such further information touching all matters connected with the printing-office as may be in his possession.

He keeps a separate and exact account in detail of all expenditures for printing, mailing, and binding the 'Congressional Records,' including specific statements of the cost of all machinery and material which is used for the publication of said 'Record,' and publishes the amounts thus yearly expended in his next succeeding annual report separately from the other disbursements of his office.

He also submits to Congress at the beginning of each session detailed estimates of the sums required for the support of the Government printing-office.

No advertisement, notice, or proposal for any executive department of the Government, or for any bureau thereof, or for any office therewith connected, is published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such department; and no bill for any such advertising or publication is paid unless there be presented with such bill a copy of such written authority.

The joint-committee on printing make the necessary provisions and arrangements for issuing the index of the 'Congressional Record' semi-monthly during the sessions of Congress, and the public printer prints and distributes the same number of copies of the semi-monthly index as of the daily issue of the 'Record,' and to the same persons and in the like manner. He employs such person to prepare this index who is designated by the joint-committee which directs the form and manner of its publication. The public printer furnishes the journals of each House of Congress at each and every session, all laws of Congress, the annual messages of the President, with accompanying documents, the daily 'Congressional Record,' and all other documents or books which may be printed and bound by order of either House of Congress, which the Secretary of the Senate and the Clerk of the House of Representatives cause to be sent to the National Home for disabled Volunteer Soldiers at Dayton, in Ohio, and to the branches at Augusta in Maine, Milwaukee in Wisconsin, Hampton in Virginia, and the Soldiers' Home at Knightstown Springs, near Knightstown, in Indiana, each one a copy of these documents. The public printer prints, upon the order of the heads of the executive departments respectively, only such limited number of the annual reports of such departments, and necessary accompanying reports of subordinates, as may be deemed necessary for the use of Congress. But no expensive maps or illustrations are printed without the special order of Congress.

The Secretary of State is charged with the duty of causing to be edited, printed, published, and distributed,

pamphlet copies of the statutes of each session of Congress to certain officers and persons, and bound copies of the laws of each Congress, to the number of 2100, to be distributed in the manner provided by law, and uniform with the edition of the Revised Statutes. At the close of every session the Secretary distributes pamphlet copies of the Acts and resolves of Congress for that session as follows:—

The President and Vice-President, 2 copies each.
Each senator, representative, and delegate in Congress, 1 copy.
The librarian of the Senate, for the use of the senators, 126 copies.
The librarian of the House, for the use of the representatives and delegates, 250 copies.
The Library of Congress, 14 copies.
The Department of State, including those for the use of legations and consulates, 600 copies.
The Treasury Department, 300 copies.
The War Department, including those for the use of officers of the Army, 200 copies.
The Navy Department, including those for the use of the officers of the Navy, 100 copies.
The Department of the Interior, including those for the use of the chief and associate justices, the judges, and the officers of the United States and territorial courts, 425 copies.
The Department of Agriculture, 10 copies.
The Smithsonian Institution, 5 copies.
The Government printing-office, 2 copies.
The governors and secretaries of territories, 1 copy each.
Retained in the custody of the Secretary of State, 1000 copies.
Distributed to the states and territories, in proportion to the number of senators, representatives, and delegates in Congress to which they are at the time entitled, 10,000 copies.

After the close of each Congress, the Secretary of State has edited, printed, and bound a sufficient number of the volumes containing the Statutes at large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows:—To

The President of the United States, 4 copies, of which 1 is for the library of the Executive Mansion and 1 for the use of the Commissioner of Public Buildings.
The Vice-President of the United States, 1 copy.
Each senator, representative, and delegate in Congress, 1 copy.
The librarian of the Senate, for the use of the senators, 114 copies.
The librarian of the House, for the use of representatives and delegates, 410 copies.
The Library of Congress, 14 copies, including 4 copies for the law library.
The Department of State, including those for the use of legations and consulates, 380 copies.
The Treasury Department, including those for the use of officers of Customs, 300 copies.
The War Department, including a copy for the Military Academy at West Point, 50 copies.
The Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the library of the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, 65 copies.

The Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, 250 copies.

The Post-Office Department, 50 copies.

The Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, 425 copies.

The Department of Agriculture, 5 copies.

The Smithsonian Institution, 2 copies.

The Government printing-office, 1 copy.

The Secretary of State supplies deficiencies and offices newly created. These printed copies are legal evidence of the laws and treaties therein contained in all the courts of the United States, and of the several states therein.

The said laws of each session of Congress are also stereotyped and printed for sale, as provided for the printing of the Revised Statutes, and the copies of the Revised Statutes, and of the said laws of each session of Congress, as issued from time to time, are respectively sold at the cost of the paper, press-work, and binding, with ten per cent thereof added thereto, to any person applying for the same; and the proceeds of all sales are paid into the Treasury.

The public printer is required to print not more than one volume each year of the decisions and opinions of the first comptroller of the Treasury, with such explanatory matter as he may furnish, and to furnish for the use of each senator, representative, and delegate in Congress ten copies thereof, to the comptroller 2000 copies, and for distribution to the states and territories in proportion to the number of senators, representatives, and delegates to which they are at the time entitled, in the manner provided in section 7 of the Act of June 20, 1874, providing for the publication of the Statutes, one half the number therein mentioned.

The appropriations for the year 1886-87, besides items for the salaries of the public printer, $4500; chief clerk, $2400; 4 clerks of class four; 1 clerk of class one,—$15,300 in all; and of $3000 for stationery, postage, advertising, travelling expenses, horses and waggons, and miscellaneous items, were for the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the 'Congressional Record,' and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office and the departments, including salaries or compensation of all necessary clerks and employees, for labour (by the day, piece, or contract) and for all the necessary materials needed in the prosecution of the work ($2,000,000) two million dollars; and from this sum printing and binding might be done by the public printer to the amounts following respectively—namely, for printing and binding for Congress, including the proceedings and debate, $910,000 (all reserve work is bound in sheep); for the State Department, $15,000; for the Treasury Department, $275,000; for the War Department, $150,000 (of which $12,000 was for the catalogue of the library of the surgeon-general's office); for the Navy Department, $60,000; for the Interior Department, $350,000 (of which $10,000 was for rebinding tract books for the General Land Office); for the Depart-

ment of Justice, $7000; for the Post-Office Department, $180,000; for the Agricultural Department, $18,000; for the Supreme Court of the United States, $5000; for the Supreme Court of the District of Columbia, $1000; for the Court of Claims, $14,000; for the Library of Congress, $12,000; and for the Executive Office, $3000. All printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department and the Signal Service should, in future, be estimated for separately and in detail, and appropriated for separately for each of said bureaux. No more than an allotment of one-half of the sum appropriated was to be expended in the two first quarters of the fiscal year, and no more than one-fourth with any unexpended balance from previous quarters in either of the two last quarters. To enable the public printer to comply with the provisions of the law granting fifteen days' annual leave to the employees of the Government printing-office, $95,000, or so much thereof as necessary; for protection from destruction by fire of the public printing-office buildings and property at Washington, District of Columbia, by the introduction therein of such methods as the architect of the Capitol and the public printer might regard as most efficient for the purpose, $8000, or so much thereof as necessary.

THE JUDICIARY OF THE UNITED STATES.

District Courts.

The United States are divided into judicial districts. Many single states each form a judicial district, others are divided into two, and still others into three judicial districts, no district being divided between two or more states. For example, the State of New York is divided into three judicial districts, called respectively the northern, eastern, and southern districts of New York. The northern district includes the counties of Rensselaer, Albany, Schoharie, and Delaware, with all the counties north and west of them; the eastern district includes the counties of Richmond, Kings, Queens, and Suffolk, with the waters thereof (being Long Island, in which is the large city of Brooklyn, and Staten Island); and the southern district includes the residue of the state (chiefly New York city and county), with the waters thereof. The district courts of the southern and eastern districts of New York have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, and Suffolk (which divide New York from Long Island), and over all seizures made and all matters done in such waters; and all processes or orders issued out of either of said courts, or by any judge thereof, run and are executed in any part of said waters.

A district judge is appointed for almost every district, and he must reside in his district, or be deemed guilty of a high misdemeanour. In the States of Alabama, Georgia, Mississippi, and South Carolina one district judge is the district judge of each district included in the state respectively, and he must reside within one or other of his districts, or be deemed guilty of a high misdemeanour. In Tennessee there are three districts and two district judges, one of whom has two districts. The district judge for the southern district of Florida must re-

side at Key West. In all there are fifty-six district judges, whose salaries are—some $5000, some $4000, and the rest $3500, with no allowance for travel, expense, or otherwise, payable quarterly from the Treasury. District judges cannot practise as lawyers while holding their appointment as judge. A clerk is appointed for each district court by the judge thereof, except in cases otherwise provided for by law, and he has to give bond in from $5000 to $20,000, with sufficient sureties approved by the court for which he is appointed, which is filed in the Department of Justice. A clerk who wilfully refuses or neglects to make any report, certificate, statement, or other document required by law to be made by him, or to forward the same to the department, officer, or person to whom by law the same are to be forwarded, must be removed from office by the President of the United States by an order in writing, and is deemed guilty of a high misdemeanour punishable by fine or imprisonment, and he is ineligible to any appointment as clerk or deputy clerk for the period of two years next after such removal. In the eastern district of Arkansas are two clerks, one of them residing and keeping his office at Little Rock, and the other at Helena. In the district of Kentucky a clerk is appointed at each place of holding the court, in the same manner and subject to the same duties and responsibilities provided concerning clerks in independent districts. One or more deputies of any clerk of a district court may be appointed by the court on the application of the clerk, and may be removed at the pleasure of judges authorised to make the appointment. In certain states it is provided by law that several deputies be appointed. In case of the death of the clerk, his deputy or deputies, unless removed, continue in office and perform the duties of the clerk in his name, until a clerk is appointed and qualified—and for the default or misfeasance in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate, and the sureties in his official bond, are liable, and his executor or administrator has such remedy for any such default or misfeasance committed after his death as the clerk would be entitled to if the same had occurred in his lifetime. The compensation of deputies is paid by the clerks respectively, and allowed in the same manner that other expenses of the clerks' offices are paid and allowed. The records of a district court are kept at the place where the court is held, and when held at more than one place in any district, and the place of keeping the records is not specially provided by law, they are kept at either of the places of holding the court which may be designated by the district judge.

The district courts have jurisdiction as follows:—

1. Of all crimes and offences cognisable under the authority of the United States committed within their respective districts, or upon the high seas, the punishment of which is not capital, except in the cases mentioned in section 5412, title "Crimes," of the United States Revised Statutes.

2. Of all cases arising under any Act for the punishment of piracy, when no circuit court is held in the district of such court.

3. Of all suits for penalties and forfeitures incurred under any law of the United States.

4. Of all suits at common law brought by the United States, or by any officer thereof authorised by law to sue.

5. Of all suits in equity to enforce the lien of the United States upon any real estate for any internal

revenue tax, or to subject to the payment of any such tax any real estate owned by the delinquent, or in which he has any right, title, or interest.

6. Of all suits for the recovery of any forfeiture or damages under section 3490 of the United States Revised Statutes, title "Debts due by or to the United States"; and such suits may be tried and determined by any district court within whose jurisdictional limits the defendant may be found.

7. Of all causes of action arising from the postal laws of the United States.

8. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common law remedy where the common law is competent to give it; and of all seizures on land and on waters not within admiralty and maritime jurisdiction. And such jurisdiction is exclusive, except in the particular cases where jurisdiction of such causes and seizures is given to the circuit courts, and have original and exclusive cognisance of all prizes brought into the United States, with a few exceptions.

9. Of all proceedings for the condemnation of property taken as prize in pursuance of section 5308, title "Insurrection," of the United States Revised Statutes.

10. Of all suits by the assignee of any debenture for drawbacks of duties issued under any law for the collection of duties against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture.

11. Of all suits authorised by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States by any act done in furtherance of any conspiracy mentioned in section 1985, title "Civil Rights," of the United States Revised Statutes.

12. Of all suits at law or in equity authorised by law to be brought by any person to redress the deprivation, under colour of any law, ordinance, regulation, custom, or usage of any state of any right, privilege, or immunity secured by the Constitution of the United States, or of any right secured by any law of the United States to persons within the jurisdiction thereof. The district and circuit courts have, exclusively of the courts of the several states, cognisance of all crimes and offences against and violations of "an Act to protect all citizens in their civil and legal rights."

13. Of all suits to recover the possession of any office except that of elector of President or Vice-President, representative or delegate in Congress, or member of a state legislature, authorised by law to be brought, wherein it appears that the sole question touching the title to said office arises out of the denial of the right to vote to any citizen offering to vote on account of race, colour, or previous condition of servitude. Provided that such jurisdiction extends only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law to enforce the right of citizens of the United States to vote in all the states.

14. Of all proceedings by the writ of *quo warranto* prosecuted by any district attorney for the removal from office of any person holding office, except as a member of Congress or of a state legislature, contrary to the provisions of the third section of the 14th Article of Amendment of the Constitution of the United States.

15. Of all suits by or against any association established under any law providing for national banking associations within the district for which the court is held.

16. Of all suits brought by any alien for a tort "only" in violation of the law of nations or of a treaty of the United States.

17. Of all suits against consuls or vice-consuls, except for offences above the description aforesaid.

18. The district courts are constituted courts of bankruptcy, and have in their respective districts original jurisdiction in all matters and proceedings in bankruptcy. (The Bankrupt Act of 1867 was repealed in 1879, and there has since then been no national bankrupt law.)

But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; nor has any circuit or district court cognisance of any suit founded on contract in favour of an assignee, unless a suit might be prosecuted in such court to recover thereon if no assignment had been made, except in cases of promissory notes negotiable by the law merchant and bills of exchange.

Proceedings on seizures for forfeiture of any vessel or cargo entering any port of entry which has been closed by the President in pursuance of law, or of goods and chattels coming from a state or section declared by proclamation of the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property, or conveying persons to or from such state or section, or of any vessel belonging in whole or in part to any inhabitant of such state or section, may be prosecuted in any district court into which the property so seized may be taken and proceedings instituted; and the district court thereof has as full jurisdiction over such proceedings as if the seizure was made in that district.

The trial of issues of fact in the district courts in all causes, except causes in equity, and of admiralty and maritime jurisdiction, and except as otherwise provided in bankruptcy, is by jury. In causes of admiralty and maritime jurisdiction relating to any matter of contract or tort arising upon or concerning any vessel of twenty tons burder or upward, enrolled and licensed for the coasting trade, and at the time employed in the business of commerce and navigation between places in different states and territories upon the lakes and navigable waters connecting the lakes, the trial of issues of fact are by jury when either party requires it. When any territory is admitted as a state, and a district court is established therein, all the records of the proceedings in the several cases pending in the court of appeals of said territory at the time of such admission, and all records of the proceedings in the several cases in which judgments or decrees had been rendered in territorial courts before that time, and from which writs of error had been sued out or appeals taken and prosecuted to the Supreme Court, are transferred to and deposited in the district court of the state. The district judge demands and compels delivery of such records, and the district court takes cognisance of all cases which were pending and undetermined in the superior court of the territory from the judgments or decrees rendered in which writs of error could have been sued out or appeals taken to the Supreme Court, and proceeds to hear and determine them. Any district judge may appoint commissioners before whom appraisers of vessels or goods and merchandise seized for breaches of any law of the United States may be sworn; and

such oaths so taken are as effectual as if taken before the judge in open court. The district courts for the western district of Arkansas, the eastern district of Arkansas at Helena, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia, have, in addition to the ordinary jurisdiction of district courts, jurisdiction of all causes except appeals and writs of error, which are cognizable in a circuit court, and proceed therein in the same manner as a circuit court.

The regular terms of the district courts are held at the times and places fixed by statute; but when any of the dates fall on Sunday, the term commences on the following day.

The district courts as courts of admiralty, and as courts of equity, so far as equity jurisdiction has been conferred upon them, are deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings preparatory to the hearing upon their merits of all causes pending therein. Any district judge may, upon reasonable notice to the parties, make and direct and award at chambers, or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court. District courts hold monthly adjournments of their regular terms for the trial of criminal causes, when their business requires it to be done, in order to prevent undue expenses and delays in such cases. The circuit court for each judicial district has jurisdiction of writs of error in all criminal cases tried before the district court where the sentence is imprisonment, or fine and imprisonment, or where, if a fine only, the fine exceeds the sum of $300; and in such case a respondent feeling himself aggrieved by a decision of a district court may except to the opinion of the court, and tender his bill of exceptions, which is settled and allowed according to the truth and signed by the judge, and is a part of the record of the case. A special term of any district court may be held at the same place where any regular term is held, or at such other place in the district as the nature of the business may require, and at such time and upon such notice as may be ordered by the district judge. And any business may be transacted at such special term which might be transacted at a regular term. If the judge of any district court is unable to attend at the commencement of any regular, adjourned, or special term, the court may be adjourned by the marshal, by virtue of a written order directed to him by the judge, to the next regular term or to any other day, as the order may direct.

Where satisfactory evidence is shown to the circuit judge of any circuit, or in his absence to the circuit justice allotted to the circuit, that the judge of any district therein is disabled to hold a district court and to perform the duties of his office, and an application accordingly is made in writing to such circuit judge or justice by the district attorney or marshal of the district, the judge or justice, as the case may be, may issue his order in the nature of a *certiorari*, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be held in said district all suits and processes, civil and criminal, depending in the district court and undetermined, with all the proceedings thereon, and all the files and papers relating thereto. This or-

der is immediately published in one or more newspapers printed in the district, at least thirty days before the session of such circuit court, and is sufficient notification to all concerned: and thereupon the circuit court proceeds to hear and determine the suits and processes so certified. And all bonds and recognisances taken for or returnable to such district court are held to be taken for and returnable to said circuit court, and have the same effect therein as they could have had in the district court to which they were taken. When an order has been thus made, the clerk of the district court continues, during the disability of the district judge, to certify as aforesaid all suits, pleas, and processes, civil and criminal, thereafter begun in said court, and to transmit them to the circuit court next to be held in the district: and the said court hears and determines them as stated. When the disability of the district judge ceases or is removed, the circuit court orders all such suits and proceedings then pending and undetermined therein, to which the district courts have an exclusive original cognisance, to be remanded, and the clerk of such court transmits the same, with all matters relating thereto, to the district court next to be held in that district; and the same proceedings are then had in the district court as would have been had if such suits had originated or been continued therein. In the case of such certification, &c., the circuit judge and, in his absence, the circuit justice, have and exercise during such disability all the powers of every kind vested by law in the district judge; but they are not required to hold any special court, or court of admiralty, at any other time than that fixed by law for holding the circuit court in said district. When the business of a district court is certified into the circuit court on account of the disability of the district judge, the district clerk is authorised, by order of the circuit judge, or, in his absence, of the circuit justice, within whose circuit such district is included, to take during such disability all examinations and depositions of witnesses, and make all necessary rules and orders preparatory to the final hearing of all causes of admiralty and maritime jurisdiction. When any district judge is prevented by any disability from holding any stated or appointed term of his district court, or of the circuit court in his district, in the absence of the other judges, and that fact is made to appear by the certificate of the clerk under the seal of the court to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said courts, and to discharge all the judicial duties of the judge so disabled during such disability. Such appointment is filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof under the seal of the court is transmitted by the district clerk to the judge so designated and appointed. When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment, and the fact is made to appear by the certificate of the clerk under the seal of the court, to the circuit judge, or in his absence to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof; and each of the said

district judges may, in case of such appointment, hold separately at the same time a district or circuit court in such district, and discharge all the judicial duties of a district judge therein; but no such judge hears appeals from the district court. If the circuit judge and circuit justice are absent from the circuit, or are unable to execute these provisions, or if the district judge so designated is disabled or neglects to hold the courts and transact the business for which he is designated, the district clerk certifies the fact to the Chief-Justice of the United States, who may thereupon designate and appoint, in the manner stated, the judge of any district within such circuit, or within any circuit next contiguous, and said appointment is transmitted to the district clerk, and is noted by him as already stated. The circuit judge or circuit justice, or the Chief-Justice, as the case may be, may from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge within the said circuits for the duties and with the said powers, and revoke any previous designation and appointment.

It is the duty of the district judge who is designated and appointed as stated to discharge all the judicial duties for which he is so appointed during the continuance of such disability, or, in the case of an accumulation of business, during the time for which he is so appointed; and all the acts and proceedings in the courts held by him, or by or before him, in pursuance of said provisions, have the same effect and validity as if done by or before the district judge of the said district. It is the duty of every circuit judge, whenever in his judgment the public interest so requires, to designate and appoint in the manner and with the powers mentioned, the district judge of any judicial district within his circuit to hold a district or circuit court in the place or in aid of any other district judge within the same circuit; and it is the duty of the district judge so designated and appointed to hold such district or circuit court, their proper expenses, while holding court outside of their districts, being allowed and paid. Whenever it appears that the judge of any district court is in any way concerned in interest in any suit pending therein, or has been of counsel for either party, or is so related to or connected with either party, as to render it improper, in his opinion, for him to sit on the trial, it is his duty, on application by either party, to cause the fact to be entered on the records of the court; and also an order that an authenticated copy thereof, with all the proceedings in the suit, shall be forthwith certified to the next circuit court for the district; and, if there be no circuit court therein, to the next circuit court in the state; and if there be no circuit court in the state, to the next convenient circuit court in an adjoining state; and the circuit court, upon the filing of such record with the clerk, takes cognisance of and proceeds to hear the case in like manner as if it had originally and rightfully been commenced therein. When the office of judge of any district court is vacant, all process, pleadings, and proceedings pending before such court are continued, of course, until the next stated term after the appointment and qualification of his successor; except that, in any district in a state containing two or more districts, the judge of the other or of either of the other districts may hold the district court or the circuit court, in case of the sickness or absence of the other judges thereof, in the district where the vacancy occurs, and discharge all the judicial duties of judge

of such district during such vacancy; and all the acts and proceedings in said courts by or before such judge of an adjoining district, have the same effect and validity as if done by or before a judge appointed for such district.

Judicial Circuits.

The judicial districts of the United States are divided into nine circuits, as follows:—

1. The first circuit includes the districts of Rhode Island, Massachusetts, New Hampshire, and Maine.

2. The second circuit includes the districts of Vermont, Connecticut, and New York.

3. The third circuit includes the districts of Pennsylvania, New Jersey, and Delaware.

4. The fourth circuit includes the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

5. The fifth circuit includes the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

6. The sixth circuit includes the districts of Ohio, Michigan, Kentucky, and Tennessee.

7. The seventh circuit includes the districts of Indiana, Illinois, and Wisconsin.

8. The eighth circuit includes the districts of Colorado, Nebraska, Minnesota, Iowa, Missouri, Kansas, and Arkansas.

9. The ninth circuit includes the districts of California, Oregon, and Nevada.

Circuit Courts.

The words "circuit justice" and "justice of a circuit," when used, are to be understood to designate the justice of the supreme court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, is to be understood to include such justice. The Chief-Justice and associate justices of the Supreme Court are allotted among the circuits by an order of the court, and a new allotment is made whenever it becomes necessary or convenient, by reason of the alteration of any circuit, or of the new appointment of a chief-justice or associate justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it is made by the Chief-Justice, and is binding until the next term, and until a new allotment by the court. For each circuit there is appointed a circuit judge, who has the same power and jurisdiction therein as the justice of the Supreme Court allotted to the circuit, and is entitled to receive a salary at the rate of $6000 a-year, payable quarterly. Every circuit judge resides within his circuit. Circuit courts are established as follows: one for the three districts of Alabama, one for the eastern district of Arkansas, one for the southern district of Mississippi and for each district in the states not named; and are called the circuit courts for the districts for which they are established.

Circuit courts are held by the circuit justice, or by the circuit judge of the circuit, or by the district judge of the district, sitting alone, or by any two of the said judges sitting together. It is the duty of the Chief-Justice, and of each justice of the Supreme Court, to attend at least one term of the circuit court in each district of the circuit to which he is allotted during every period of two years. Cases may be heard and tried by each of the judges holding a circuit court, sitting apart, by direction of the presiding justice or judge, who designates the business to be done by each. Circuit courts may be held at the same time in the different districts of the same circuit.

The terms of the circuit court for

the southern district of New York, appointed exclusively for the trial and disposal of criminal business, may be held by the circuit judge of the second judicial court, and the district judges for the southern and eastern districts of New York, or any one of said three judges, and at every such term held by said judge of said eastern district he receives the sum of $300, the same to be paid in the manner prescribed by law for the payment of the expenses of another district judge ($10 a day), while holding court in said district. A district judge sitting in a circuit court does not give a vote in any case of appeal or error from his own decision; but a cause may, by consent of parties, be heard and disposed of by him when holding a circuit court sitting alone. When he holds a circuit court with either of the other judges, the judgment or decree in such cases is rendered in conformity with the opinion of the presiding justice or judge. When it appears, in any civil suit in any circuit court, that all of the judges thereof who are competent by law to try said case are in any way interested therein, or have been of counsel for either party, or are so related or connected with either party as to render it, in the opinion of the court, improper for them to sit in such trial, it is the duty of the court, on the application of either party, to cause the fact to be entered on the records, and to make an order that an authenticated copy thereof, with all the proceedings in the case, shall be forthwith certified to the most convenient circuit court in the next adjoining state or in the next adjoining circuit; and said court shall, upon the filing of such record and order with its clerk, take cognisance of and proceed to hear and determine the case, in the same manner as if it had been rightfully and originally commenced therein; and the proper process for the due execution of the judgment or decree rendered in the cause shall run into, and may be executed in, the district where such judgment or decree was rendered, and also into the district from which the cause was removed. The circuit justice or the circuit judge of any circuit may order any civil cause, which is so certified into any court of the circuit, to be certified back to the court whence it came; and then the latter proceeds therein as if the cause had not been certified from it. But if for any reason it be improper for the judges of such court to try the cause so certified back, it shall be tried by some other judge holding such court, whom the circuit justice may in writing request to hold such court, the request being entered upon the journal of the circuit court so held. Thereupon it is lawful for the justice so requested to hold such court, and to exercise within and for said district, during the time named in said request, all the powers of the justice of such circuit. Whenever, by reason of death or resignation, no justice is allotted to a circuit, the Chief-Justice of the Supreme Court may make a similar request, which has effect in like manner until a justice is allotted to such circuit.

A clerk is appointed for each circuit court by the circuit judge of the circuit, except in cases otherwise provided for by law. Every clerk of the circuit or district court, United States marshal, and United States district-attorney, must reside permanently in the district where his official duties are to be performed, and give his personal attention thereto; and in case any such officer removes from his district or fails to give personal attention to the duties of his office, except in case of sickness, such office is deemed vacant, provided that in the southern district

of New York said officers may reside within twenty miles of their districts. No civil officer of the Government receives any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law; but this does not prevent the employment and payment by the Department of Justice of district-attorneys as now allowed by law, for the performance of services not covered by their salaries or fees. One or more deputies of any clerk of a circuit court may be appointed by such court on the application of the clerk, and may be removed at the pleasure of judges authorised to make the appointment. In case of the death of the clerk, his deputy or deputies, unless removed, continue in office, and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasance in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties in his official bond are liable; and his executor or administrator has such remedy for any such defaults or misfeasance committed after his death as the clerk would be entitled to if the same had occurred in his lifetime. The compensation of deputies of clerks of the circuit courts is paid by the clerks respectively, and allowed in the same manner that other expenses of the clerks' offices are paid and allowed.

Each circuit court may appoint, in different parts of the district for which it is held, so many discreet persons as it may deem necessary, who are called "commissioners of the circuit courts," and exercise the powers which are or may be expressly conferred by law upon commissioners of circuit courts. No marshal or deputy-marshal of any of the United States courts can hold or exercise the duties of commissioner of any circuit court.

Jurisdiction of Circuit Courts.

The circuit courts of the United States have original cognisance, concurrent with the courts of the several states, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of $500, and arising under the Constitution or laws of the United States, or treaties made under their authority, or in which the United States are plaintiffs or petitioners, or in which there is a controversy between citizens of different states or a controversy between citizens of the same state, claiming lands under grants of different states, or a controversy between citizens of a state and foreign states, citizens, or subjects. And these courts have exclusive cognisance of all crimes and offences cognisable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offences cognisable therein. Circuit courts have exclusive jurisdiction of piracy upon the high seas and accessories thereto, treason, and murder, in certain places within the territorial or maritime jurisdiction of the United States, which are offences punishable by death. But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against any person, by any original process or proceeding, in any other district than that whereof he is an inhabitant, or in which he is found at the time of serving such process or commencing such proceeding, except as stated below. No circuit or district

court has cognisance of any suit founded on contract in favour of an assignee, unless a suit might be prosecuted in such court to recover thereon if no assignment had been made, except in cases of promissory notes negotiable by the law merchant and bills of exchange; and the circuit courts also have appellate jurisdiction from the district courts under the regulations and restrictions provided by law. In any suit of a civil nature at law or in equity pending in any state court where the matter in dispute exceeds, exclusive of costs, the sum or value of $500, and arising under the Constitution or laws of the United States, or treaties made under their authority, or in which the United States is the plaintiff or petitioner, or in which there is a controversy between citizens of different states, or a controversy between citizens of the same state claiming lands under grants of different states, or a controversy between citizens of a state and foreign states, citizens, or subjects, either party may remove said suit into the circuit court of the United States for the proper district; and when the controversy is wholly between citizens of different states and can be fully determined as between them, then either one or more of the plaintiffs or defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district. Whenever either party or any one or more of the plaintiffs or defendants entitled to so remove any suit desires to do it, he or they may make and file a petition in such suit in such state court before or at the term at which said cause could be first tried, and before the trial thereof, for the removal of such suit into the circuit court to be held in the district where the suit is pending, and shall make and file therewith a bond with good and sufficient surety for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court, if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for there appearing and entering special bail in such suit, if special bail was originally requisite therein: it shall then be the duty of the state court to accept said petition and bond, and proceed no further in such suit, and any bail that may have been originally taken shall be discharged; and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court; and if in any action commenced in a state court the title of land is concerned, and the parties are citizens of the same state and the matter in dispute exceeds the sum or value of $500, exclusive of costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court and make affidavit, if the court requires it, that he or they claim and shall rely upon a right or title to the land under a grant from a state, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other state, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant or give it in evidence upon the trial; and if he or they inform that he or they do claim under such grant, any

one or more of the party moving for such information may then on petition and bond, as above mentioned, remove the cause for trial to the circuit court of the United States next to be holden in such district; and any one of either party removing the cause is not allowed to plead or give evidence of any other title than that by him or them stated as the ground of his or their claim.

The trial of issues of fact in the circuit courts, in all suits except those of equity and of admiralty and maritime jurisdiction, are by jury.

When any suit is removed from a state court to a circuit court of the United States, any attachment or sequestration of the goods or estate of the defendant had in such suit in the state court holds the goods or estate so attached or sequestered to answer the final judgment or decree in the same manner as by law they would have been held to answer final judgment or decree had it been rendered by the court in which suit was commenced. And all bonds, undertakings, or security given by either party in such suit prior to its removal remain valid and effectual, notwithstanding said removal. And all injunctions, orders, and other proceedings had in such suit prior to its removal remain in full force and effect until dissolved or modified by the court to which such suit is removed.

If in any suit commenced in a circuit court, or removed from a state court to a circuit court of the United States, it appears to the satisfaction of said circuit court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said circuit court, or that the parties to said suit have been improperly or collusively made or joined either as plaintiffs or defendants, for the purpose of creating a case cognisable or removable, the circuit court proceeds no further therein, but dismisses the suit, or remands it to the court from which it was removed, as justice may require, and makes such order as to costs as is just. But the order dismissing or remanding to the state court is reviewable by the Supreme Court on writ of error or appeal, as the case may be. The circuit court of the United States, in all suits removed as described, proceeds therein as if the suit had been originally commenced in said circuit court, and the same proceedings taken had been taken in such suit in said circuit court as have been had therein in said state court prior to the removal.

In all causes removable as described, if the term of the circuit court to which the same is removable then next to be holden commences within twenty days after filing the petition and bond in the state court for its removal, then he or they who apply to remove the same have twenty days from such application to file said copy of record in said circuit court and enter appearance therein; and if done within said twenty days, such filing and appearance are taken to satisfy the said bond in that behalf. If the clerk of the state court in which any such cause is pending refuses to any one or more of the parties or persons applying to remove the same a copy of the record therein, after tender of legal fees for such copy, said clerk so offending is deemed guilty of a misdemeanour, and on conviction thereof in the circuit court of the United States, to which said action or proceeding was removed, is punished by imprisonment not more than one year, or by fine not exceeding $1000, or both, in the discretion of the court. And the circuit court to which any cause is removable as described has power to issue a writ

of *certiorari* to said state court commanding it to make return of the record in any such cause removed, or in which any one or more of the plaintiffs or defendants have complied with the provisions for the removal of the same, and enforce said writ according to law. And if it be impossible for the parties or persons removing any cause, or complying with the provisions for the removal thereof, to obtain such copy for the reason that the clerk of said state court refuses to furnish a copy on payment of legal fees, or for any other reason, the circuit court makes an order requiring the prosecutor in any such action or proceeding to enforce forfeiture or recover penalty as aforesaid, to file copy of the paper or proceeding by which the same was commenced within such time as the court may determine, and in default thereof the court dismisses the said action or proceeding. But if the order is complied with, then the circuit court requires the other party to plead, and the action or proceeding proceeds to final judgment; and the circuit court may make an order requiring the parties thereto to plead *de novo;* and the bond given, conditioned as stated, is discharged so far as it requires copy of the record to be filed as aforesaid.

When in any suit commenced in any circuit court of the United States to enforce any legal or equitable lien upon or claim to, or to remove any incumbrance or lien or cloud upon the title to, real or personal property within the district where such suit is brought, one or more of the defendants therein are not inhabitants of or found within the said district, or do not voluntarily appear thereto, it is lawful for the court to make an order directing such absent defendants to appear, plead, answer, or demur, by a day certain to be designated, which is served on him or them, if practicable, wherever found, and also upon the person or persons in possession or charge of said property if any there be. Or where such personal service is not practicable, the order is published in such manner as the court may direct, not less than once a-week for six consecutive weeks. And in case such absent defendants do not appear, plead, answer, or demur within the time so limited, or within some further time to be allowed by the court in its discretion, and upon proof of the service or publication of the order, and of the performance of the directions contained in the same, it is lawful for the court to entertain jurisdiction and proceed to the hearing and adjudication of the suit in the same manner as if such absent defendants had been served with process within the said district. But the adjudication as regards said absent defendants without appearance affect only the property which has been the subject of the suit and under the jurisdiction of the court therein within such district. And when a part of the real or personal property against which the proceeding is taken is within another district but within the same state, suit may be brought in either district in said state; provided, however, that any defendant not actually personally notified as described may at any time, within one year after such final judgment in any suit, enter his appearance in said suit in said circuit court; and thereupon the court makes an order setting aside the judgment therein, and permitting said defendants to plead therein, on payment by them of such costs as the court deems just; and thereupon the suit is proceeded with to final judgment according to law. Whenever either party to a final judgment or decree which has been rendered in any circuit court has died before the time allowed for taking an appeal or

bringing a writ of error has expired, it is not necessary to revive the suit by any formal proceedings. The representative of the deceased party may file in the office of the clerk of the circuit court a duly certified copy of his appointment, and thereupon may enter an appeal or bring writ of error as the party he represents might have done. If the party in whose favour the judgment or decree is rendered has died before appeal taken or writ of error brought, notice to his representatives is given from the Supreme Court, as provided in case of the death of a party after appeal taken or writ of error brought.

The United States' courts have exclusive jurisdiction of all offences committed against the laws of the United States, state courts having no jurisdiction of them, and jurisdiction cannot be delegated to state courts.

From all decrees of a district court in causes of equity or of admiralty and maritime jurisdiction, except prize causes where the matter in dispute exceeds the sum or value of $50, exclusive of costs, an appeal is allowed to the circuit court next to be held in such district, and this circuit court is required to receive, hear, and determine such appeal. The appeal must be taken, or the writ of error sued out, within one year after the entry of the judgment, decree, or order, provided that where a party entitled to prosecute a writ of error or take an appeal is an infant or *non compos mentis* or imprisoned, such writ of error may be prosecuted, or such appeal may be taken within one year after the entry of the judgment, decree, or order, exclusive of the term of such disability.

The circuit courts, as courts of equity, are deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory orders, rules, and other proceedings preparatory to the hearing upon their merits of all causes pending therein. And any judge of a circuit court may, upon reasonable notice to the parties, make and direct and award at chambers, or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court. Issues of fact in civil cases in any circuit court may be tried and determined by the court without the intervention of a jury whenever the parties or their attorneys of record file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, has the same effect as the verdict of a jury. Whenever in any civil suit or proceeding in a circuit court, held by a circuit justice and a circuit judge, or a district judge, or by a circuit judge and a district judge, there occurs any difference of opinion between the judges as to any matter or thing to be decided, ruled, or ordered by the court, the opinion of the presiding justice or judge prevails, and is considered the opinion of the court for the time being. Whenever any question occurs on the trial or hearing of any criminal proceeding before a circuit court, upon which the judges are divided in opinion, the point upon which they disagree is, during the same term, upon the request of either party, or of their counsel, stated under the direction of the judges and certified, under the seal of the court, to the Supreme Court at their next session; but nothing prevents the cause from proceeding if, in the opinion of the court, further proceedings can be had without prejudice to the merits. Imprisonment is not allowed, nor punishment inflicted, in any case where the judges of the court are divided in

opinion upon the question touching the said imprisonment or punishment. When a final judgment or decree is entered in any civil suit or proceeding before any circuit court, and a difference of opinion occurs, as before stated, among the judges, the point upon which they so disagree is, during the same term, stated under the direction of the judges and certified, and such certificate is entered of record.

The circuit court for each judicial district has jurisdiction of writs of error in all criminal cases tried before the district court where the sentence is imprisonment, or fine and imprisonment; or where, if a fine only, the fine exceeds the sum of $300.

The regular terms of the circuit courts are held in each year at the times and places fixed by law, but when any of the dates fall on Sunday the term commences on the following day. No action, suit, proceeding, or process in any circuit court abates or is rendered invalid by reason of any Act changing the time of holding such court, but the same are deemed to be returnable to, pending and triable in the terms established, next after the return day thereof. Any circuit court may, at its own discretion, or at the discretion of the Supreme Court, hold special sessions for the trial of criminal causes.

The Supreme Court, or when that court is not sitting, any circuit justice or circuit judge, together with the judge of the proper district, may direct special sessions of a circuit court to be held for the trial of criminal causes at any convenient place within the district nearer to the place where the offences are said to be committed than the place appointed by law for the stated sessions. The clerk of such court, at least thirty days before the commencement of such special sessions, causes the time and place for holding it to be notified for at least three weeks consecutively, in one or more of the newspapers published nearest to the place where it is to be held. All process writs and recognisances respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at such special sessions, are considered as belonging to such sessions in the same manner as if they had been issued or taken in reference thereto. Any such session may be adjourned from time to time to any time previous to the next stated term of the court; and all business depending for trial at any special session, at the close thereof is considered as removed to the next stated term. There are special provisions for ordering adjourned terms and holding special sessions in districts in particular states; but in all other districts the presiding judge of any circuit court may appoint special sessions thereof to be held at places where the regular sessions are held. If neither of the judges of a circuit court is present to open any session, the marshal may adjourn the court from day to day until a judge is present; but if neither of them attends before the close of the fourth day after the time appointed for the commencement of the session, the marshal may adjourn the court to the next regular term. If neither of said judges be present to open and adjourn any regular or adjourned or special session, either of them may, by a written order, directed alternatively to the marshal, and in his absence to the clerk, adjourn the court from time to time, as the case may require, to any time before the next regular term.

Supreme Court.

The Supreme Court of the United States consists of a Chief-Justice of the United States and eight associate justices, any six of whom constitute

a quorum. The associate justices have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages. In the case of a vacancy in the office of Chief-Justice, or of his inability to perform the duties and powers of his office, they devolve upon the associate justice who is first in precedence until such disability is removed or another Chief-Justice is appointed and duly qualified. This provision applies to every associate justice who succeeds to the office of Chief-Justice. The Chief-Justice's salary is $10,500 a-year, and that of each of the associate justices $10,000, payable monthly. The Supreme Court has power to appoint its clerk and marshal, and a reporter of its decisions. One or more deputies of the clerk may be appointed by the court on the application of the clerk, and may be removed at the pleasure of the court. In case of the death of the clerk, his deputy or deputies, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the defaults or misfeasance in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate, and the sureties in his official bond, are liable; and his executor or administrator has such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

The records and proceedings of the Court of Appeals, appointed previous to the adoption of the present Constitution, are kept in the office of the clerk of the Supreme Court, who gives copies thereof to any person requiring and paying for them in the manner provided by law for giving copies of the records and proceedings of the Supreme Court; and these copies have like faith and credit with all other proceedings of said court. Annually, on the first day of January, or within thirty days thereafter, the clerk makes to the Secretary of the Treasury a return of all costs collected by him in cases disposed of at the preceding term or terms of the Supreme Court; and after deducting his compensation as provided by law, and the incidental expenses of his office, including clerk-hire, pays any surplus into the United States Treasury at the time of making his return. The expenses are certified by the Chief-Justice or justice of the court.

The marshal receives a salary at the rate of $3000 a-year. He attends the court at its sessions, serves and executes all process and orders issuing from it, or made by the Chief-Justice or an associate justice, in pursuance of law, and takes charge of all property of the United States used by the court or its members. With the approval of the Chief-Justice, he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade. The reporter causes the decisions of the Supreme Court made during his office to be printed and published within eight months after they are made, and within the same time delivers 300 copies of the volumes of reports to the Secretary of the Interior; and in any year when so directed by the court, he causes to be printed and published a second volume of decisions, of which he delivers, in like manner and time, 300 copies. The reporter receives from the Treasury an annual salary of $4500 when his report constitutes one volume, and an additional sum of $1200 when, by direction of the court, he causes to be printed and published in any year a second volume; and he is annually entitled to clerk-hire in the

sum of $1200, and to office-rent, stationery, and contingent expenses in the sum of $600, provided the volumes of the decisions are furnished by the reporter to the public at a sum not exceeding $2 per volume, and the number of copies required to be delivered to the Secretary of the Interior is furnished by the reporter without any charge therefor. The 300 copies are distributed by the Secretary of the Interior as follows: to the President, the justices of the Supreme Court, the circuit judges, the judges of the district courts, the judges of the Court of Claims, the judges of the supreme court of the District of Columbia, the judges of the several territorial courts, the Secretaries of (1) State, (2) Treasury, (3) War, (4) Navy, and (5) Interior; the Postmaster-General, the Attorney-General, the Solicitor-General, the Secretary of the Senate, for the use of the Senate, the Clerk of the House of Representatives, for the use of that House, the governors of territories, the Commissioners of (1) Agriculture, (2) Internal Revenue, (3) Indian Affairs, (4) Pensions, (5) General Land Office, (6) Patents, (7) Customs, (8) Education; the Paymaster-General, the first and second comptrollers of the Treasury, each of the six auditors of the Treasury, the Solicitor of the Treasury, the Register of the Treasury, the Treasurer of the United States, and the heads of such other executive offices as may be provided by law, of equal grade with any of the said officers, each one copy; to the Secretary of the Senate, for the use of the standing committees of the Senate, ten copies; and to the Clerk of the House of Representatives, for the use of the standing committees of the House, twelve copies; and the residue of said copies is deposited in the Library of Congress, to become a part of said library. The copies received by any officer as stated, in case of his death, resignation, or dismissal from office, are delivered up to his successor in office.

The Supreme Court holds, at the seat of government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the despatch of business. If at any session a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for twenty days after said appointed time, unless there be sooner a quorum. If a quorum does not attend within the twenty days, the business of the Court is continued over till the next appointed session; and if during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day. The justices attending at any term when less than a quorum is present may, within the twenty days, make all necessary orders touching any suit proceeding or process depending in or returned to the court, preparatory to the hearing, trial, or decision thereof.

Jurisdiction.

The Supreme Court has exclusive jurisdiction of all controversies of a civil nature where a state is a party, except between a state and its citizens, or between a state and citizens of other states, or aliens, in which latter cases it has original but not exclusive jurisdiction. And it has exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers or their domestics, or domestic servants, as a court of law can have consistently with the law of nations; and original but not exclusive jurisdiction of all suits brought by ambassadors

or other public ministers, or in which a consul or vice-consul is a party.

The Supreme Court has power to issue writs of prohibition in the district courts when proceeding as courts of admiralty and maritime jurisdiction; and writs of *mandamus* in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a state, or an ambassador, or other public minister, or a consul or vice-consul, is a party.

The trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, is by jury.

All final judgments of any circuit court or district court acting as a circuit court, in civil actions brought there by original process, or removed there from courts of the several states, and all final judgments of any circuit court in civil actions removed there from any district court by appeal or writ of error, where the matter in dispute, exclusive of costs, exceeds the sum or value of $5000, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. An appeal is allowed from all final decrees of any circuit court, or of any district court acting as a circuit court, in cases of equity and of admiralty and maritime jurisdiction, where the matter in dispute, exclusive of costs, exceeds the sum or value of $5000; and the Supreme Court is required to receive, hear, and determine such appeals. Any final judgment or decree in any civil suit or proceeding before a circuit court which was held at the time by a circuit justice and a circuit judge or a district judge, or by the circuit judge and a district judge, wherein the said judges certify, as provided by law, that their opinions are opposed upon any question which occurred on the trial or hearing of the said suit or proceeding, may be reviewed and affirmed or reversed or modified by the Supreme Court on writ of error or appeal according to the nature of the case, and subject to the provisions of law applicable to other writs of error or appeals in regard to bail and supersedeas. An appeal is allowed to the Supreme Court from all final decrees of any district court in prize causes where the matter in dispute, exclusive of costs, exceeds the sum or value of $5000; and is allowed, without reference to the value of the matter in dispute, on the certificate of the district judge that the adjudication involves a question of great importance. And the Supreme Court receives, hears, and determines such appeals, and is always open for the entry thereof. The circuit court, in deciding cases of admiralty and maritime jurisdiction on the instance side of the court, finds the facts and conclusions of law upon which it renders its judgments or decrees, and states the facts and conclusions of law separately. And in finding the facts the court may, upon the consent of the parties who have appeared and put any matter of fact in issue, and subject to such general rules in the premises as are made and provided from time to time, impanel a jury of not less than five or more than twelve persons, to whom are submitted the issues of fact in such cause under the direction of the court, as in cases of common law. And the findings of the jury, unless set aside for lawful cause, are entered of record and stand as the findings of the court upon which judgment is entered according to law. The review of the judgments and decrees entered upon such findings by the Supreme Court upon appeal is limited to a determination of the questions of law arising upon the record, and to such

rulings of the circuit court excepted to at the time as may be presented by a bill of exceptions prepared as in actions at law.

When any question occurs on the hearing or trial of any criminal proceeding before a circuit court upon which the judges are divided in opinion, and the point upon which they disagree is certified to the Supreme Court according to law, such point is finally decided by the Supreme Court; and its decision and order in the premises is remitted to such circuit court, and is there entered of record, and has effect according to the nature of the judgment and order.

Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, a transcript of the record as directed by law to be made, and copies of the proofs and of such entries and papers on file as may be necessary on the hearing of the appeal, is transmitted to the Supreme Court: provided that either the court below or the Supreme Court may order any original document or other evidence to be sent up in addition to the copy of the record, or in lieu of a copy of a part thereof. And on such appeals no new evidence is received in the Supreme Court, except in admiralty and prize cases.

A writ of error may be allowed to review any final judgment at law; and an appeal is allowed from any final decree in equity, without regard to the sum or value in dispute; 1. Any final judgment at law or final decree in equity of any circuit court or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any territory, in any case touching patent rights or copyrights; 2. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by the United States for the enforcement of any revenue law thereof; 3. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action against any officer of the revenue for any act done by him in the performance of his official duty, or for the recovery of any money exacted by or paid to him which has been paid into the Treasury; 4. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, in any case brought on account of the deprivation of any right, privilege, or immunity secured by the Constitution of the United States, or of any right or privilege of a citizen of the United States; 5. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by any person on account of injury to his person or property by any act done in furtherance of any conspiracy mentioned in section 1980, title "Civil Rights," of the United States Revised Statutes.

When an issue of fact in any civil cause in a circuit court is tried and determined by the court without the intervention of a jury, the rulings of the court in the progress of the trial of the cause, if excepted to at the time and duly presented by a bill of exceptions, may be reviewed by the Supreme Court upon a writ of error or upon appeal; and when the finding is special, the review may extend to the determination of the sufficiency of the facts found to support the judgment. The Supreme Court may affirm, modify, or reverse any judgment, decree, or order of a circuit court or district court acting as a circuit court, or of a district court in prize causes, lawfully brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior

court as the justice of the case may require. The Supreme Court does not issue execution in a cause removed before it from said courts, but sends a special mandate to the inferior court to award execution thereupon.

The final judgments and decrees of the supreme court of any territory, and of the Territory of Washington, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds $5000, may be reviewed and reversed or affirmed in the Supreme Court upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court. And any final judgment or decree of the supreme court of said territory or district in any cause when the Constitution or a statute or treaty of the United States is brought in question, or a patent right or copyright is involved, may be reviewed in like manner. In all cases where the judgment or decree of any court of a territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken within the time and in the manner provided by law, notwithstanding such territory has, after such judgment or decree, been admitted as a state; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires. The judgment or decrees of any district court in cases transferred to it from the superior court of any territory, upon the admission of such territory as a state, may be reviewed and reversed or affirmed upon writs of error sued out of, or appeals taken to, the Supreme Court, in the same manner as if such judgments or decrees had been rendered in said superior court of such territory. And the mandates and all writs necessary to the exercise of the appellate jurisdiction of the Supreme Court in such cases are directed to such district court, which causes the same to be fully executed and obeyed.

An appeal to the Supreme Court is allowed on behalf of the United States from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds $2500, or where his claim is forfeited to the United States by the judgment of said court. All appeals from the Court of Claims must be taken within ninety days after the judgment is rendered, and are allowed under such regulations as the Supreme Court may direct.

A final judgment or decree in any suit in the highest court of a state in which a decision in the suit can be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity, or where is drawn in question the validity of a statute of, or an authority exercised under, any state on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favour of their validity, or where any title, right, privilege, or immunity is claimed under the Constitution or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity specially set up, or claimed by either party under such Constitution, treaty, statute, commission, or authority, may be re-examined and reversed, or affirmed in the Supreme Court upon a writ of error. The writ has the same effect as if the judgment or decree complained of had been rendered or

passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such state court, and may at their discretion award execution, or remand the same to the court from which it was removed by the writ. Cases on writ of error to revise the judgment of a state court in any criminal case have precedence on the docket of the Supreme Court of all cases to which the Government of the United States is not a party, excepting only such cases as the court in its discretion may decide to be of public importance.

The orders of circuit courts, dismissing or remanding suits removed from state courts, are reviewable by the Supreme Court on writ of error or appeal, as the case may be.

The appellate jurisdiction of the Supreme Court over the judgments and decrees of territorial courts in cases of trial by jury is exercised by writ of error, and in all other cases by appeal, according to such rules and regulations as to form and modes of proceeding as the Supreme Court prescribes, provided that an appeal, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, is made and certified by the court below, and transmitted to the Supreme Court, together with the transcript of the proceedings and judgment or decree. It is not necessary in any of the courts of the several territories to exercise separately the common law and chancery jurisdictions vested in said courts. The several codes and rules of practice adopted in the territories respectively, in so far as they authorise a mingling of said jurisdictions, or a uniform course of proceeding in all cases, whether legal or equitable, are confirmed, and all proceedings taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, are validated and confirmed.

Provisions common to more than One Court or Judge.

The jurisdiction vested in the courts of the United States in the following cases and proceedings mentioned, is exclusive of the courts of the several states: 1. Of all crimes and offences cognisable under the authority of the United States; 2. Of all suits for penalties and forfeitures incurred under the laws of the United States; 3. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it; 4. Of all seizures under the laws of the United States on land, or on waters not within admiralty and maritime jurisdiction; 5. Of all cases arising under the patent-right or copyright laws of the United States; 6. Of all matters and proceedings in bankruptcy (there is presently no bankruptcy law); 7. Of all controversies of a civil nature where a state is a party, except between a state and its citizens, or between a state and citizens of other states or aliens.

The justices of the Supreme Court, the circuit judges, and the district judges take the following oath before they proceed to perform the duties of their respective offices: "I, — —, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——, according to the best of my abilities and under-

standing, agreeably to the Constitution and laws of the United States; so help me God." It is not lawful for a United States judge to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law—it is a high misdemeanour to do so. When a United States judge of any court resigns, after ten years' service as judge and having attained the age of seventy years, he receives during the residue of his natural life the same salary which was by law payable to him at the time of his resignation. United States judges are, according to the Constitution, appointed during good behaviour.

The Supreme, circuit, and district courts have each power to issue writs of *scire facias*, and to issue all writs not specially provided for by statute which may be necessary for the exercise of their respective jurisdictions and agreeable to the usages and principles of law. Writs of *ne exeat* may be granted by any justice of the Supreme Court in cases where they may be granted by the Supreme Court; and by any circuit justice or judge, in cases where they may be granted by the circuit court of which he is a judge. But no writ of *ne exeat* is granted unless a suit in equity is commenced and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States. Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted, with or without security, in the discretion of the court or judge. Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the Supreme Court hears or allows any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it cannot be heard by the circuit judge of the circuit or the district judge of the district. And an injunction is not issued by a district judge as one of the judges of a circuit court in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor does any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court. The writ of injunction is not granted by any court of the United States to stay proceedings in any court of a state, except in cases where such injunction may be authorised by any law relating to proceedings in bankruptcy.

The laws of the several states, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, are regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply.

The jurisdiction in civil and criminal matters conferred on the district and circuit courts for the protection of all persons in the United States in their civil rights and for their vindication, is exercised and enforced in conformity with the laws of the United States so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish

suitable remedies and punish offences against law, the common law as modified and changed by the constitution and statutes of the state wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, is extended to and governs the said Courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

Suits in equity are not sustained in either of the courts of the United States in any case where a plain, adequate, and complete remedy may be had at law. In the trial of actions at law, the United States courts may, on motion and due notice thereof, require the parties to produce books or writings in their possession or power which contain evidence pertinent to the issue, and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in Chancery. If a plaintiff fails to comply with such order, the court may, on motion, give the like judgment for the defendant as in cases of nonsuit, and, if a defendant fails to comply, judgment against him by default. The courts have power to impose and administer all necessary oaths, and to punish by fine or imprisonment, at the discretion of the court, contempts of their authority, provided power to punish contempts is not construed to extend to any cases except the misbehaviour of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehaviour of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

All these courts have power to grant new trials in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law. The judges of the Supreme, circuit, and district courts, the commissioners of the circuit courts, and the judges and other magistrates of the several states authorised by law to make arrests for offences against the United States, have the like authority to hold the security of the peace, and for good behaviour in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective states in cases cognisable before them.

The district and circuit courts and the commissioners of the circuit courts have power to carry into effect, according to the true intent and meaning thereof, the award or arbitration or decree of any consul, vice-consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice-consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge—application for the exercise of such power being first made to such court or commissioner by petition of such consul, vice-consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied

with, or the parties are otherwise discharged therefrom by the consent in writing of such consul, vice-consul, or commercial agent, or his successor in office, or by the authority of the foreign Government appointing such consul, vice-consul, or commercial agent; provided that the expenses of the imprisonment and maintenance of the prisoners and the cost of the proceedings be borne by such foreign Government, or by its consul, vice-consul, or commercial agent requiring such imprisonment. The marshals of the United States serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.

The trial of offences punishable with death are had in the county where the offence was committed, where that can be done without great inconvenience. Offences committed upon the high seas or elsewhere out of the jurisdiction of any particular state or district, are tried in the district where the offender is found or into which he is first brought. When any offence against the United States is begun in one judicial circuit and completed in another, it is deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein. All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found. Taxes accruing under any law providing internal revenue may be sued for and recovered either in the district where the liability for such tax occurs, or in the district where the delinquent resides. Proceedings on seizures for forfeiture, under any law of the United States, made on the high seas, may be prosecuted in any district into which the property so seized is brought, and proceedings instituted. Proceedings on such seizures made within any district are prosecuted in the district where the seizure is made, except in cases where it is otherwise provided. Proceedings for the condemnation of any property captured, whether on the high seas or elsewhere out of the limits of any judicial district or within any district, on account of its being purchased or acquired, sold or given, with intent to use or employ the same, or to suffer it to be used or employed, in aiding, abetting, or promoting any insurrection against the government of the United States, or knowingly so used or employed by the owner thereof, or with his consent, may be prosecuted in any district where the same may be seized, or into which it may be taken and proceedings first instituted. All proceedings by any national banking association to enjoin the Comptroller of the Currency, under the provisions of any law relating to national banking associations, are had in the district where such association is located.

When there are several defendants in any suit at law or in equity, and one or more of them are neither inhabitants of nor found within the district in which the suit is brought, and do not voluntarily appear, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit between the parties who are properly before it; but the judgment or decree rendered therein does not conclude or prejudice other parties not regularly served with process nor voluntarily appearing to answer; and non-joinder of parties who are not inhabitants of nor found within the district as aforesaid, does not constitute mat-

ter of abatement or objection to the suit.

No person is arrested in one district for trial in another in any civil action before a circuit or district court, and no civil suit is brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, or in which he is found at the time of serving such process or commencing such proceeding, except as provided in the Act of 3d March 1875, which has been already embodied when treating of the jurisdiction of circuit courts. When a state contains more than one district, every suit not of a local nature in the circuit or district courts thereof against a single defendant, inhabitant of such state, must be brought in the district where he resides; but if there are two or more defendants residing in different districts of the state, it may be brought in either district, and a duplicate writ may be issued against the defendants, directed to the marshals of any other district in which any defendant resides. The clerk issuing the duplicate writ indorses thereon that it is a true copy of a writ sued out of the court of the proper district; and such original and duplicate writs, when executed and returned into the office from which they issue, constitute and are proceeded on as one suit, and upon any judgment or decree rendered therein execution may be issued, directed to the marshal of any district in the same state. In suits of a local nature, where the defendant resides in a different district in the same state from that in which the suit is brought, the plaintiff may have original and final process against him, directed to the marshal in the district in which he resides. Any suit of a local nature at law or in equity, where the land or other subject-matter of a fixed character lies partly in one district and partly in another within the same state, may be brought in the circuit or district court of either district; and the court in which it is brought has jurisdiction to hear and decide it, and to cause mesne or final process to be issued and executed as fully as if the said subject-matter were wholly within the district for which such court is constituted. When the trial or hearing of any cause, civil or criminal, in a circuit or district court has been commenced and is in progress before a jury or the court, it is not stayed or discontinued by the arrival of the time fixed by law for another session of said court; and the court may proceed therein and bring it to a conclusion in the same manner and with the same effect as if another stated term of the court had not intervened. In all the courts of the United States, the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively are permitted to manage and conduct causes therein. No clerk, assistant, or deputy clerk of any territorial, district, or circuit court, or of the Court of Claims, or the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in either of said courts, or in any district for which he is acting as such officer. Whoever violates this provision is struck from the roll of attorneys by the court upon complaint, upon which the respondent has due notice and is heard in his defence; and in the case of a marshal, or deputy marshal so acting, he is recommended by the court for dismissal from office.

In equity and admiralty causes only the process, pleadings, and decree, and such orders and memorandums as are necessary to show the jurisdiction of the court and regularity of the proceedings, are entered upon the final record.

Habeas Corpus.

The Supreme Court and the circuit and district courts have power to issue writs of *habeas corpus*. The several justices and judges of these courts, within their respective jurisdictions, have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of restraint of liberty. The writ in no case extends to a prisoner in jail, unless where he is in custody under or by colour of the authority of the United States, or is committed for trial before some court thereof; or is in custody for an act done or omitted in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or is in custody in violation of the Constitution or of a law or treaty of the United States; or, being a subject or citizen of a foreign state, and domiciled therein, is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission or order or sanction of any foreign state, or under colour thereof, the validity and effect whereof depend upon the law of nations; or unless it is necessary to bring the prisoner into court to testify. Application for writ of *habeas corpus* is made to the court or judge or justice authorised to issue it, by complaint in writing signed by the person for whose relief it is intended, setting forth the facts concerning the detention of the party restrained, in whose custody he is detained, and by virtue of what claim or authority, if known. The facts set forth in the complaint must be verified by the oath of the person making the application. The court or justice or judge to whom the application is made forthwith awards a writ, unless it appears from the petition itself that the party is not entitled thereto. The writ is directed to the person in whose custody the party is detained. When the writ is returned, a day, not later than five days thereafter, is set for the hearing, unless the party petitioning requests a longer time. The facts of the case are determined summarily. When a writ of *habeas corpus* is issued in the case of any prisoner who, being a subject or citizen of a foreign state domiciled therein, is committed or confined or in custody by or under the authority or law of any one of the United States, or process founded thereon on account of any act done or omitted under an alleged right, title, authority, privilege, protection, or exemption claimed under the commission or order or sanction of any foreign state, or under colour thereof, the validity and effect whereof depend upon the law of nations, notice of the said proceeding, to be prescribed by the court or justice or judge at the time of granting the writ, is served on the Attorney-General or other officer prosecuting the pleas of the said state, and due proof of such service is made before the hearing. From the final decision of any court, &c., an appeal may be taken to the circuit court for the district in which the cause is heard in the case (1) of any person alleged to be restrained of his liberty in violation of the Constitution or of any law or treaty of the United States; (2) of any alien prisoner. An appeal may be taken from the final decision of such circuit court as to alien prisoners to the Supreme Court. These appeals are taken on

such terms and under such regulations and orders as well for the custody and appearance of the person alleged to be in prison, or confined or restrained of his liberty, as for sending up to the appellate tribunal a transcript of the petition, writ of *habeas corpus* return thereto, and other proceeding, as may be prescribed by the Supreme Court, or in default thereof by the court or judge hearing the cause. Pending the proceedings or appeal, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned or confined or restrained of his liberty, in any state court or by or under the authority of any state, for any matter so heard and determined, or in process of being heard and determined, under such writs of *habeas corpus*, are deemed null and void.

District Attorneys, Marshals, Clerks, Deputies, etc.

Every district, with two or three exceptions, has a district attorney, who is appointed for the term of four years, and is sworn to a faithful discharge of the duties of his office. It is the duty of every district attorney to prosecute in his district all delinquents for crimes and offences cognisable under the authority of the United States, and all civil actions in which the United States are concerned; and, unless otherwise instructed by the Secretary of the Treasury, to appear in behalf of the defendants in all suits or proceedings pending in his district against collectors or other officers of the revenue for any act done by them, or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury. Every district attorney, on instituting any suit for the recovery of any fine, penalty, or forfeiture, immediately transmits to the Solicitor of the Treasury a statement thereof. Immediately after the end of every term of the circuit and district courts for his district, the district attorney forwards to the Solicitor of the Treasury, except as after stated, a full and particular statement, accompanied by the certificate of the clerks of said courts respectively, of all causes pending in said courts, and of all causes decided therein during such term, in which the United States are party. He also, on the first day of October in each year, makes a return to said solicitor of the number of suits and proceedings commenced, pending, and determined within his district during the fiscal year next preceding the date of such return, showing the date when such proceeding or suit in each case was commenced. If the termination thereof has been delayed or continued beyond the usual or reasonable period, the reasons must be set forth, and a statement must be made of the measures taken by the district attorney to press the same to a close. When any suit or proceeding arising under the internal revenue laws to which the United States are party, or any suit or proceeding against a collector or other officer of the internal revenue wherein a district attorney appears, is commenced, the attorney for the district in which it is brought immediately reports to the Commissioner of Internal Revenue the full particulars relating to the same, and, immediately after the end of each term of the court in which such suit or proceeding is pending, forwards to the Commissioner a full and particular statement of its condition. Each district attorney, immediately after the end of every term in which any suit for moneys due on account of the Post-Office Department has been pending in his district, forwards to the Department of Justice a statement of any judgment or order made or step taken

in the same during such term, accompanied by a certificate of the clerk showing the parties to and amount of every such judgment, with such other information as the Department of Justice may require; and he directs speedy and effectual execution upon such judgment; and the United States marshal, to whom the same is directed, makes returns of the proceedings thereon to the Department of Justice at such times as it may direct.

A marshal is appointed to nearly every district, and he may appoint one or more deputies, who are removable from office by the judge of the district court or by the circuit court for the district, at the pleasure of either. Every marshal and deputy marshal, before he enters upon the duties of his appointment, takes, before the district judge of the district, an oath or affirmation in the prescribed terms. And every marshal has also, before entering upon the duties of his office, to give bonds before the district judge of the district, jointly and severally with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by said judge, in the sum of $20,000, for the faithful performance of said duties by himself and his deputies. This bond is filed and recorded in the office of the clerk of the district court or circuit court sitting within the district, and copies thereof, certified by the clerk, under the seal of the court, are competent evidence in any court of justice. In case of a breach of the condition of a marshal's bond, any person thereby injured may institute in his own name, and for his sole use, a suit on said bond, and thereupon recover such damages as are legally assessed, with costs of suit, for which execution may issue for him in due form. If such party fails to recover in the suit, judgment is rendered, and execution may issue against him for costs in favour of the defendant, and the United States are in no case liable for the same. The bond remains still as security for the benefit of any person injured by breach of the condition of the same until the whole penalty has been recovered. Such suits must be commenced within six years after the right of action accrues, saving, nevertheless, the right of infants, married women, and insane persons, so that they sue within three years after their disabilities are removed. It is the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute throughout the district all lawful precepts directed to him and issued under the authority of the United States; and he has power to command all necessary assistance in the execution of his duty. The marshal and deputies have in each state the same powers in executing the laws of the United States as the sheriffs and their deputies in such state may have by law in executing the laws thereof. In case of the death of any marshal, his deputy or deputies continue in office, unless otherwise specially removed, and execute the same in the name of the deceased until another marshal is appointed and duly qualified. The defaults or misfeasance in office of such deputies in the meantime are adjudged a breach of the condition of the bond given by the marshal who appointed them; and the executor or administrator of the deceased marshal has like remedy for the defaults and misfeasance in office of the deputies during such interval as the marshal would be entitled to if alive. Every marshal or his deputy when removed from office, or when his term of office has expired, has power notwithstanding to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office;

and the marshal is held responsible for the delivery to his successor of all prisoners who may be in his custody at the time of his removal or when his term of office expires; and for that purpose he may retain such prisoners in his custody until his successor is appointed and duly qualified. Within thirty days before the commencement of each term of the circuit and district courts in his district, every marshal makes returns to the solicitor of the Treasury of the proceedings had upon all writs of execution or other process which have been placed in his hands for the collection of moneys adjudged and decreed to the United States in the said courts respectively, and he makes returns to the auditor of the Treasury for the Post-Office Department, at such times as he may direct, of the proceedings which have taken place upon any execution upon a judgment in any suit for moneys due on account of the Post-Office Department directed to him.

In case of a vacancy in the office of the district attorney or marshal within any circuit, the circuit justice of such circuit may fill the same, and the person appointed by him serves until an appointment is made by the President and the appointee is duly qualified, and no longer. The appointment made by the justice is in writing, which is filed in the clerk's office of the circuit court, and a copy thereof is entered upon the journals of said court. Any marshal so appointed gives bond as if appointed by the President, and the bond is approved by the justice. It is then filed in the clerk's office, and a copy entered on the court's journal.

The clerk of the Supreme Court, and every clerk and deputy clerk of a circuit or district court, before he enters upon the execution of his office, takes an oath or affirmation *de fideli administratione officii*. The clerk of every court gives bond in a sum to be fixed, and with sureties to be approved by the court which appoints him, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and a new bond may be required whenever the court deems it proper. A copy of every such bond is entered on the journal of the court for which he is appointed, and the bond is deposited for safe keeping as the court may direct. A certified copy of such entry is *primâ facie* proof of the execution of the bond and of the contents thereof. Any circuit or district court may require any deputy clerk thereof to give bond to the United States for the faithful discharge of his duty as such deputy, in the same penalty, and with surety in the same manner, as is required by law of clerks; and such bond is recorded and preserved in like manner. But the taking of such bond does not affect the legal responsibility of the clerk for the acts of such deputy. Every clerk of a circuit or district court, within thirty days after the adjournment of each term thereof, forwards to the solicitor of the Treasury a list of all judgments and decrees to which the United States are parties, which have been entered in said court respectively during such term, showing the amount adjudged or decreed in each case for or against the United States, and the term to which execution thereon will be returnable. At each regular session of any court of the United States, the clerk presents to the court an account of all moneys remaining therein or subject to its order, stating in detail in what causes they are deposited, and in what causes payments have been made; and said account and the vouchers thereof are filed in the court. The clerks of the district and circuit courts may, in the absence or in case

of the disability of the judges, administer oaths to all persons identifying papers found on board of vessels or elsewhere to be used on trials in admiralty causes.

Juries.

Jurors to serve in the courts of the United States, in each state respectively, have the same qualifications, subject to the provisions after stated, and are entitled to the same exemptions as jurors of the highest court of law in the state may have and are entitled to at the time when such jurors for service in the United States courts are summoned; and they are designated by ballot, lot, or otherwise, according to the mode of forming juries then practised in the state court, so far as such mode may be practicable by the courts of the United States or the officers thereof. And for this purpose the said courts may by rule or order conform the designation and impanelling of juries in substance to the laws and usages relating to jurors in the state courts from time to time in force in such state. Jurors are returned from such parts of the district from time to time as the court directs, so as to be most favourable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burden the citizens of any part of the district with such services. Writs of *venire facias* when directed by the court issue from the sheriff's office, and are served and returned by the marshal or his deputy, or, in case the marshal or his deputy is not an indifferent person or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who administers to him an oath that he will truly and impartially serve and return the writ. When, from challenges or otherwise, there is not a petit jury to determine any civil or criminal cause the marshal or his deputy, by order of the court in which such defect of jurors happens, returns jurymen from the bystanders sufficient to complete the panel; and, when the marshal or his deputy is disqualified as aforesaid, jurors may be so returned by such disinterested person as the court may appoint, and such person is sworn as described. When special juries are ordered in any circuit court, they are returned by the marshal in the same manner and form as is required in such cases by the laws of the several states.

Every grand jury impanelled before any district or circuit court consists of not less than sixteen nor more than twenty-three persons. If of the persons summoned less than sixteen attend they are placed on the grand jury, and the court orders the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the bystanders, a sufficient number of persons to complete the grand jury. And whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to complete the grand jury, the court makes a like order to the marshal to summon a sufficient number of persons for that purpose. From the persons summoned and accepted as grand jurors the court appoints the foreman, who has power to administer oaths and affirmations to witnesses appearing before the grand jury. No grand jury is summoned to attend a circuit or district court unless a judge thereof, in his own discretion, or upon a notification by the district attorney that such jury will be needed, orders a *venire* to issue therefor. And either of these courts may in term order a grand jury to be summoned at such time, and to serve such time, as it may direct, whenever in its judgment it may be proper to do so. But nothing

operates to extend beyond the time permitted by law the imprisonment, before indictment found, of a person accused of a crime or offence, or the time during which a person so accused may be held under recognisance before indictment found. The circuit and district courts, the district courts of the territories, and the supreme court of the District of Columbia, may discharge their grand juries whenever they deem a continuance of the sessions of such juries unnecessary. No person is summoned as a juror in any circuit or district court more than once in two years; and it is sufficient cause of challenge to any juror called to be sworn in any cause that he has been summoned and attended said court as a juror at any term within two years prior to the time of such challenge. The grand jury impanelled and sworn in any district court may take cognisance of all crimes and offences within the jurisdiction of the circuit court for said district as well as of said district court.

There are some special provisions for each of several states which need not be specially noticed.

When the offence charged is treason or a capital offence, the defendant is entitled to twenty and the United States to five peremptory challenges. On the trial of any other felony the defendant is entitled to ten and the United States to three peremptory challenges; and in all other cases, civil and criminal, each party is entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs, the parties on each side are deemed a single party for the purpose of all such challenges. All challenges, whether to the array or panel or to individual jurors for cause or favour, are tried by the court without the aid of triers.

The pay per diem of each juror, grand or petit, in any court of the United States is $2, and a mileage of 5 cents for the distance necessarily travelled from their residence, in going to and returning from said court by the shortest practicable route. All jurors, grand or petit, including those summoned during the session of the court, are publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons possessing the qualifications prescribed, which names shall have been placed therein by the clerk of such court and a commissioner, appointed by the judge, who must be a citizen of good standing residing in the district in which the court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations, until the whole number required is placed therein. But this is not construed to prevent any judge from ordering the names of jurors to be drawn from the boxes used by the state authorities in selecting jurors in the highest courts of the state. No person serves as a petit juror more than one term in any one year. No citizen possessing all other qualifications prescribed by law is disqualified for service as grand or petit juror in any court of the United States on account of race, colour, or previous condition of servitude.

Witnesses.

A witness duly subpœnaed is paid for each day's attendance in court, or before any officer pursuant to law, $1.50, and 5 cents a mile for going from his place of residence to the place of trial or hearing, and 5 cents a mile for returning. In Colorado 15 cents for each mile actually tra-

velled is allowed. When subpœnaed in more than one case between the same parties, at the same court, only one travel fee and one per diem compensation is allowed for attendance. Both are taxed in the case first disposed of, after which the per diem attendance fee alone is taxed in the other cases in the order in which they are disposed of. When a witness is detained in prison for want of security for his appearance, he is entitled, in addition to his subsistence, to a compensation of $1 a-day. No officer of the United States courts in any state or territory, or in the District of Columbia, is entitled to witness fees for attending before any court or commissioner where he is officiating. When any clerk or other United States officer is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, are audited and paid; but no mileage or other compensation, in addition to his salary, is in any case allowed. There is paid to each seaman, or other person, who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, chargé d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge proper, not exceeding $1 for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing the compensation the court takes into consideration the condition of said seaman or witness, and whether his voyage has been broken up to his injury by his being sent to the United States. When such seaman or person is transported in an armed vessel of the United States, no charge for subsistence or transportation is allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case 50 cents a-day, may be fixed by the court, and is paid to the captain of said vessel accordingly.

In the courts of the United States no witness is excluded in any action on account of colour, or in any civil action because he is a party to or interested in the issue tried, provided that in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party is allowed to testify against the other as to any transaction with, or statement by, the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court. In the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offences, and misdemeanours in the United States courts, territorial courts, and courts-martial, and courts of inquiry in any state or territory, including the District of Columbia, the person so charged is, at his own request, but not otherwise, a competent witness; and his failure to make such request does not create any presumption against him. In all other respects the laws of the states in which the court is held are the rules of decision as to the competency of witnesses in the courts of the United States in trials at common law, and in equity and admiralty. No testimony given before either House, or before any committee of either House of Congress, is used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within

this privilege. No pleading of a party, nor any discovery or evidence obtained from a party or witness by means of a judicial proceeding in this or any foreign country, shall be given in evidence, or in any manner used against him or his property or estate, in any court of the United States, in any criminal proceeding, or for the enforcement of any penalty or forfeiture. But no party or witness is exempt from prosecution and punishment for perjury committed in discovering or testifying as aforesaid. The mode of proof in the trial of actions (1) at common law is by oral testimony and examination of witnesses in open court; and (2) in equity and of admiralty and maritime jurisdiction according to rules prescribed by the Supreme Court. There are provisions for taking testimony by deposition *de bene esse*, and by depositions under a *dedimus potestatem*, and by depositions *in perpetuam rei memoriam*, and for issuing subpœnas *duces tecum*. There are also provisions for the issuing of commissions or letters rogatory for the taking of testimony in foreign countries.

Subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district, provided that in civil causes the witnesses living out of the district in which the court is held do not live at a greater distance than 100 miles from the place of holding the same. Witnesses who are required to attend any term of a circuit or district court on the part of the United States are subpœnaed to attend to testify generally on their behalf, and not to depart the court without leave thereof or of the district attorney; and under such process they appear before the grand or petit jury, or both, as they may be required by the district attorney. Whenever any person indicted in a court of the United States makes affidavit setting forth that there are witnesses whose evidence is material to his defence; that he cannot safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within 100 miles of the place of trial; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpœnaed, if found within said limits. The costs incurred, and the fees of the witnesses, are, in this case, paid in the same manner as those payable by the United States. Any judge or other officer authorised to arrest and imprison or bail persons charged with any crime or offence against the United States may, at the hearing of any such charge, require of any witness produced against the prisoner, on pain of imprisonment, a recognisance, with or without sureties, in his discretion, for his appearance to testify in the case. And where the crime or offence is charged to have been committed on the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States, he may, in his discretion, take a like recognisance, with such sureties as he may deem necessary, of any witness produced on behalf of the accused, whose testimony, in his opinion, is important, and is in danger of being otherwise lost. Any judge of the United States may, on the application of the district attorney, require a similar recognisance, with or without sureties, from any person whose testimony is competent and necessary on the trial of any criminal proceeding, and for that purpose issue a warrant against such person, directed to the marshal or other competent officer, to arrest and bring before him such person. If the person so arrested neglects or refuses to give the required recognisance, the judge may issue a

warrant of commitment against him, and the officer shall convey him to the prison mentioned therein, to remain in confinement until removal to the court for the purpose of giving testimony, or until he gives the required recognisance.

In suits or informations brought, where any seizure is made pursuant to any Act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof is upon such claimant, provided that probable cause is shown for such prosecution to be judged of by the court.

All hearings in cases of extradition, under treaty, stipulations, or convention, are held on land publicly, and in a room accessible to the public. On the hearing of any case under a claim of extradition by any foreign Government, upon affidavit by the person charged setting forth that there are witnesses whose evidence is material to his defence; that he cannot safely go to trial without them; what he expects to prove by each of them; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the judge, as commissioner, before whom such claim for extradition is heard, may order that such witnesses be subpœnaed, the costs and fees of witnesses so incurred being paid in the same manner that similar fees are paid in the case of witnesses subpœnaed in behalf of the United States.

Procedure.

All writs and processes issuing from the courts of the United States are under the seal of the court from which they issue, and are signed by the clerk thereof. Those issuing from the Supreme Court, or a circuit court, bear test of the Chief-Justice of the United States, or when that office is vacant of the associate justice next in precedence; and those issuing from a district court bear test of the judge, or when that office is vacant of the clerk thereof. All process issued from United States courts bear test from the day of such issue. The forms of mesne process and the forms and modes of proceedings in suits of equity and of admiralty and maritime jurisdiction in the circuit and district courts, are according to the principles, rules, and usages which belong to courts of equity and of admiralty respectively, except where it is otherwise provided by statute, or by rules of court made in pursuance thereof; but the same are subject to alteration and addition by the courts respectively, and to regulation by the Supreme Court by rules prescribed from time to time to any circuit or district court, not inconsistent with the laws of the United States. The practice, pleadings, and forms and modes of proceeding in civil causes, other than equity and admiralty causes, conform as near as may be to those existing at the time in like causes, in the courts of record of the state within which such circuit or district courts are held, any rule of court to the contrary notwithstanding. In common-law causes in the circuit and district courts the plaintiff is entitled to similar remedies, by attachment or other process, against the property of the defendant which are provided by the laws of the state in which such court is held for the courts thereof; and such circuit or district court may from time to time, by general rules, adopt such state laws as may be in force in the state where they are held in relation to attachment and other process, provided that similar preliminary affidavits or proofs, and similar security as required by such state laws, are first furnished by the party seeking such attachment or other remedy.

The party recovering a judgment in any common law cause in any circuit or district court is entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor, as are provided in like causes by the state laws, which are adopted by general rules, as above described, by the circuit or district court. The Supreme Court has power to prescribe from time to time, and in any manner not inconsistent with any law of the United States, the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of taking and obtaining evidence, of obtaining discovery, of proceeding to obtain relief, of drawing up, entering, and enrolling decrees, and of proceeding before trustees appointed by the court, and generally to regulate the whole practice to be used in suits in equity or admiralty by the circuit and district courts. The several circuit and district courts may, from time to time, and in any manner not inconsistent with any law of the United States, or with any rule prescribed by the Supreme Court, make rules and orders directing the returning of writs and processes, the filing of pleadings, the taking of rules, the entering and making up of judgments by default, and other matters in vacation, and otherwise regulate their own practice, as may be necessary or convenient for the advancement of justice and the prevention of delays in proceedings.

Judgments and decrees rendered in a circuit or district court, within any state, cease to be liens on real estate or chattels real in the same manner and at like periods as judgments and decrees of the courts of such state cease by law to be liens thereon. When in a circuit court a plaintiff in an action at law originally brought there as a petitioner in equity, other than the United States, recovers less than the sum or value of $500, exclusive of costs, in a case which cannot be brought there unless the amount in dispute, exclusive of costs, exceeds said sum or value; or a libellant, upon his own appeal, recovers less than the sum or value of $300, exclusive of costs, he is not allowed, but at the discretion of the court may be adjudged to pay, costs. If in any suit against an officer or other person executing or aiding or assisting in the seizure of goods under any Act providing for or regulating the collection of duties on imports or tonnage, the plaintiff is nonsuited, or judgment passed against him, the defendant recovers double costs. In no case are the fees of more than four witnesses taxed against the United States in the examination of any criminal case before a commissioner of a circuit court, unless their materiality and importance are first approved and certified to by the district attorney for the district in which the examination is had; and such taxation is subject to revision as in other cases. If any attorney, proctor, or other person admitted to conduct causes in any court of the United States, or of any territory, appears to have multiplied the proceedings in any cause before such court, so as to increase costs unreasonably and vexatiously, he is required by order of the court to satisfy any excess of costs so increased. Before any bill of costs is taxed by any judge or other officer, or allowed by any officer of the Treasury, in favour of clerks, marshals, commissioners, or district attorneys, the party claiming such bill proves by his own oath, or that of some other person having a knowledge of the facts to be attached to such bill and filed therewith, that the services charged therein have

been actually and necessarily performed as therein stated. All writs of execution upon judgments or decrees obtained in a circuit or district court may run and be executed in any part of such state, but are issued from and made returnable to the court wherein the judgment was obtained. All writs of execution upon judgments obtained for the use of the United States, in any court thereof in one state, may run and be executed in any other state, or in any territory, but are issued from and made returnable to the court wherein the judgment was obtained. In any state where judgments are liens upon the property of the defendant, and where by the laws of such state defendants are entitled in the courts thereof to a stay of execution for one term or more, defendants in actions in the courts of the United States held therein are entitled to a stay of execution for one term. No person is imprisoned for debt in any state on process issuing from a court of the United States, where by the laws of such state imprisonment for debt has been abolished. And all modifications, conditions, and restrictions upon imprisonment for debt provided by the laws of any state are applicable to the process issuing from the courts of the United States to be executed therein; and the same course of proceedings is adopted therein as may be adopted in the courts of such state. Proceedings for the discharge of a person arrested or imprisoned in any state on mesne process or execution from any United States court in any civil action, are had before one of the commissioners of the circuit court for the district where the defendant is held.

There is annexed to and returned with any writ of error for the removal of a cause, at the day and place therein mentioned, an authenticated transcript of the record, an assignment of errors, and a prayer for reversal, with a citation to the adverse party. Every justice or judge signing a citation on any writ of error, except in cases brought up by the United States or by direction of any department of the Government, takes good and sufficient security that the plaintiff in error or the appellant shall prosecute his writ or appeal to effect, and if he fail to make his plea good, shall answer all damages and costs, where the writ is a supersedeas and stays execution, or all costs where it is not a supersedeas as aforesaid. The Supreme Court may, at any time in its discretion, and upon such terms as it may deem just, allow an amendment of a writ of error as to form, provided the defect has not prejudiced, and the amendment will not injure, the defendant in error; and it may also, if in its judgment the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize causes. Where, upon a writ of error, judgment is affirmed in the Supreme Court or a circuit court, the court adjudges to the respondent in error just damages for his delay, and single or double costs at its discretion.

For any crime or offence against the United States, the offender may, by any justice or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate of any state where he may be found, and agreeably to the usual mode of process against offenders in such state, and at the expense of the United States, be arrested and imprisoned, or bailed as the case may be, for trial before such court of the United States as by law has cognisance of the offence. Copies of the process are returned as

speedily as may be into the clerk's office of such court, together with the recognisances of the witnesses for their appearance to testify in the case. And where any offender or witness is committed in any district other than that where the offence is to be tried, it is the duty of the judge of the district where such offender or witness is imprisoned, seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had. Bail is admitted upon all arrests in criminal cases where the offence is not punishable by death; and in such cases it may be taken by any of the persons mentioned as authorised to arrest and imprison. Bail may be admitted upon all arrests in criminal cases where the punishment may be death; but in such cases it is taken only by the Supreme Court or a circuit court, or by a justice of the Supreme Court, a circuit judge, or a judge of a district court, who exercise their discretion therein, having regard to the nature and circumstance of the offence and of the evidence, and to the usages of law.

No indictment is found nor any presentment made without the concurrence of at least twelve grand jurors, but certain crimes not infamous may be prosecuted either by indictment or by information filed by a district attorney. When there are several charges against any person for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offences which may be properly joined, instead of having several indictments, the whole may be joined in one indictment in separate counts; and if two or more indictments are found in such cases, the court may order them to be consolidated. No indictment found and presented by a grand jury in any district or circuit or other court of the United States is deemed insufficient, nor is the trial or other proceeding thereon affected, by reason of any defect or imperfection in matter of form only which does not tend to the prejudice of the defendant. In every case, in any court of the United States where a demurrer is interposed to an indictment, or to any count or counts thereof, or to any information, and the demurrer is overruled, the judgment is respondent ouster; and thereupon a trial may be ordered at the same term, or a continuance may be ordered, as justice requires. If, in the trial of a capital offence, the party indicted peremptorily challenges jurors above the number allowed him by law, such excess of challenges is disallowed by the court, and the cause proceeds for trial in the same manner as if they had not been made. When any person indicted for any offence against the United States, whether capital or otherwise, upon his arraignment stands mute or refuses to plead or answer thereto, it is the duty of the court to enter the plea of not guilty on his behalf, in the same manner as if he had pleaded not guilty thereto. And when the party pleads not guilty, or such plea is entered as aforesaid, the cause is deemed at issue, and without further form or ceremony is tried by a jury. In all criminal causes the defendant may be found guilty of any offence, the commission of which is necessarily included in that with which he is charged in the indictment, or may be found guilty of an attempt to commit the offence so charged, provided such attempt be itself a separate offence. Whenever the district attorney deems it necessary, any circuit court may, by order entered on its minutes, remit any indictment pending therein to the next session of the district court of the same district where the offence

charged in the indictment is cognisable by the district court; and in like manner any district court may remit to the next session of the circuit court of the same district any indictment pending in such district court. Any district court may, by order entered on its minutes, remit any indictment pending therein to the next session of the circuit court for the same district when, in the opinion of the district court, difficult and important questions of law are involved in the case. Every indictment of a capital offence presented to a district court, together with the recognisances taken therein, are, by order entered on its minutes, remitted to the next session of the circuit court for the same district.

Whenever a judgment of death is rendered in any court of the United States, and the case is carried to the Supreme Court in pursuance of law, the court rendering such judgment, by its order, postpones the execution thereof from time to time and from term to term, until the mandate of the Supreme Court in the case is received and entered upon the records of such lower court. In case of affirmance by the Supreme Court, the court rendering the original judgment appoints a day for the execution thereof; and in case of reversal such further proceedings are had in the lower court as the Supreme Court directs. In all criminal or penal causes in which judgment or sentence has been rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, the said judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases are enforced; provided that where the judgment directs that the defendant shall be imprisoned until the fine or penalty imposed is paid, the issue of execution on the judgment does not operate to discharge the defendant from imprisonment until the amount of the judgment is collected or otherwise paid. Whenever a poor convict sentenced by any court of the United States to pay a fine, or fine and cost, whether with or without imprisonment, has been confined in prison thirty days, solely for the non-payment of such fine, or fine and cost, he may make application in writing to any commissioner of the United States court in the district where he is imprisoned, setting forth his inability to pay such fine, or fine and cost, and, after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner proceeds to hear and determine the matter; and if on examination it appears to him that the convict is unable to pay the fine, or fine and cost, and that he has not any property exceeding $20 in value, except such as is by law exempt from being taken on execution for debt, the commissioner administers to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of $20, except such as is by law exempt from being taken on civil precept for debt by the laws of the state where oath is administered; and that I have no property in any way conveyed, or concealed, or in any way disposed of for my future use or benefit. So help me God." And thereupon such convict is discharged, the commissioner giving to the jailer or keeper of the jail a certificate setting forth the facts.

Limitations.

No person is prosecuted, tried, or punished for treason or other capital offence, wilful murder excepted, unless the indictment is found within

three years next after such treason or capital offence is done or committed. No person is prosecuted, tried, or punished for any offence not capital, except those against the revenue or slave-trade laws, unless the indictment is found, or the information is instituted, within three years next after such offence has been committed. But these provisions do not extend to any person fleeing from justice. The limitations for offences against the revenue and slave-trade laws is five years. No suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, is maintained, except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued; provided that the person or offender, or the property liable for such penalty or forfeiture, is, within the same period, found within the United States, so that the proper process therefor may be instituted and served against such person or property.

The Court of Claims.

The Court of Claims, established by the Act of February 24, 1855, is continued. It consists of a chief-justice and four judges, who are appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behaviour. Each of them takes an oath to support the Constitution of the United States, and to discharge faithfully the duties of his office, and receives an annual salary of $4500, payable quarterly. The court has a seal. The Secretary of the Interior is authorised and directed to procure suitable and necessary rooms for the use and accommodation of the Court of Claims, which now occupies a portion of the building on Pennsylvania Avenue partly occupied by the Department of Justice.

The Court of Claims holds one annual session at Washington, beginning on the first Monday in December, and continuing as long as may be necessary for the prompt disposition of its business. Any three of the judges constitute a quorum, and may hold a court for the transaction of business. The concurrence of three judges is necessary to the decision of any case. The court appoints a chief-clerk, an assistant-clerk if deemed necessary, a bailiff, and a messenger. The clerks take an oath for the faithful discharge of their duties, and are under the direction of the court in the performance thereof, and for misconduct or incapacity may be removed by it from office; but the court reports such removals, with the cause thereof, to Congress, if in session, or, if not, at the next session. The bailiff holds his office for the term of four years, unless sooner removed by the court for cause. The chief clerk gives bond to the United States in such amount, in such form, and with such security as are approved by the Secretary of the Treasury. The chief clerk has authority, when he has given bond, to disburse, under the direction of the court, the contingent fund which may from time to time be appropriated for its use, and his accounts are settled by the proper accounting officers of the Treasury in the same way as the accounts of other disbursing agents of the Government are settled.

On the first day of every December session of Congress the clerk of the Court of Claims transmits to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof, and the parties in whose favour they were rendered, together with a brief synopsis of the nature of the claims

upon which they were rendered. And at the end of every term of the court he transmits a copy of its decisions to the heads of departments; to the Solicitor, the comptrollers, and the auditors of the Treasury; to the Commissioners of the General Land Office and of Indian Affairs; to the chiefs of bureaux, and to other officers charged with the adjustment of claims against the United States.

Members of either House of Congress must not practise in the Court of Claims.

The Court of Claims has jurisdiction to hear and determine the following matters:—

1. All claims founded upon any law of Congress, or upon any resolution of an executive department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

2. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any person making claim against the Government in this court.

3. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors for relief from responsibility on account of capture, or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, for which he was responsible.

4. Of all claims included under certain Acts to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States; but this jurisdiction does not extend to claims against the United States, growing out of the destruction or appropriation of, or damage to, property by the army or navy engaged in the suppression of the Rebellion.

The amount of any final judgment or decree rendered in favour of the claimant in any case transmitted by departments to the Court of Claims, is paid out of any specific appropriation applicable to the case, and where none exists, it is paid in the same manner as other judgments of the court.

The jurisdiction does not extend to any claim against the Government not pending therein on 1st December 1862, growing out of, or dependent on, any treaty stipulation entered into with foreign nations, or with the Indian tribes.

Aliens who are citizens or subjects of any Government which accords to citizens of the United States the right to prosecute claims against such Government in its courts have the privilege of prosecuting claims against the United States in the Court of Claims whereof it has jurisdiction. Every claim against the United States, cognisable by the Court of Claims, is for ever barred, unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate, or the Clerk of the House of Representatives, as provided by law, within six years after the claim first accrued. Provided that the claims of married women first accrued during marriage, of persons under the age of twenty-one years first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, are not barred, if the petition be filed in the court, or transmitted as aforesaid, within three years after the disability has ceased; but no other

disability than those enumerated prevents any claim from being barred, nor do any of the stated disabilities operate cumulatively.

The court has power to establish rules for its government, and for the regulation of practice therein, and may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and exercise such powers as are necessary to carry into effect the powers granted to it by law. The judges and clerks of the court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same. The court has power to appoint commissioners to take testimony to be used in the investigation of claims which come before it, to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States. The court has power to call upon any of the departments for any information or papers it may deem necessary, and has the use of all recorded and printed reports made by the committees of each House of Congress when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers, when in his opinion such compliance would be injurious to the public interest. When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it is not the duty of the court to authorise the taking of any testimony therein.

No claimant, nor any person from or through whom any such claimant derives his alleged title, claim, or right against the United States, nor any person interested therein, is a competent witness in the Court of Claims in supporting the same, and no testimony given by such claimant or person is used unless, at the instance of the attorney or solicitor appearing in behalf of the United States, the court makes an order directing the claimant to appear, upon reasonable notice, before any commissioner of the court, and be examined on oath touching any or all matters pertaining to the claim. Such examination is reduced to writing by the commissioner, and returned to and filed in court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. Should a claimant fail to appear at this examination, or refuse to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the cause be not brought forward for trial until he has fully complied with the order of the court in the premises. The testimony in cases pending in the Court of Claims is taken in the county where the witness resides, when this can be conveniently done. The court may issue subpœnas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein, and these subpœnas have the same force as if issued from a district court, and compliance therewith is compelled under such rules and orders as the court establishes. The commissioner taking testimony administers an oath or affirmation to the witnesses.

When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial. An appeal to the Supreme Court is allowed on behalf of the United States from all judgments

adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds $2500, or where his claim is forfeited to the United States by the judgment of the court; but all appeals must be taken within ninety days after the judgment is rendered, and are allowed under such regulations as the Supreme Court directs. The court, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion on behalf of the United States, grant a new trial, and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as satisfies the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same is payable and paid as provided by law. Final judgments by the Court of Claims, or on appeal by the Supreme Court, where in favour of the claimant, are paid out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the Secretary of the Treasury of a copy of the judgment, certified by the clerk of the Court of Claims, and signed by the Chief-Justice, or in his absence by the presiding judge of that court. No interest is allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest. If the judgment appealed from be in favour of the claimant, and be affirmed by the Supreme Court, interest thereon at the rate of five per cent is allowed from the date of its presentation to the Secretary of the Treasury for payment, but no interest is allowed subsequent to the affirmance unless presented for payment to the Secretary of the Treasury. The payment, with any interest due, is a full discharge to the United States of all claims and demands touching any of the matters involved in the controversy, and a final judgment against the claimant on any claim for ever bars any further claim or demand against the United States arising out of the matters involved in the controversy.

Whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, involving the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, to be then proceeded in under such rules as the court may adopt. When the facts have been found, the court does not enter judgment thereon, but reports the same to the committee or to the House by which the case was transmitted for its guidance and action. When a claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to the court, which reports its findings and opinions to the department, instead of entering judgment. The Attorney-General, or his assistants under his directions, appear for the defence and protection of the interests of the United States in all cases so transmitted, with the same power to interpose counter-claims, offsets, defences for fraud practised, or attempted to be practised by claimants, and other defences in like manner as he is required to defend the United States in the court. In the trial of these cases no person is excluded as a witness because he or

she is a party to or interested in the same. Reports of the Court of Claims to Congress, if not finally acted upon during the session at which they are reported, are continued from session to session, and from Congress to Congress, until they are finally acted upon.

IMMIGRATION.

The subjects of China, Japan, and other oriental countries, known as "coolies," are protected from citizens of the United States and foreigners coming into or residing within the United States who would engage in the "coolie trade." By the statute of May 6, 1882, on the preamble that "in the opinion of the Government of the United States the coming of Chinese labourers to this country endangers the good order of certain localities within the territory thereof," it is enacted: "That from and after the expiration of ninety days next after the passage of this Act, and until the expiration of ten years next after the passage of this Act, the coming of the Chinese labourers to the United States be, and the same is, hereby suspended; and during such suspension it shall not be lawful for any Chinese labourer to come, or having so come after the expiration of said ninety days, to remain in the United States." Every Chinese person other than a labourer entitled by the treaty between the United States and China, dated November 17, 1880, and by said Act to come within the United States, has to be identified as so entitled by the Chinese Government, in each case by a certificate issued under the authority of that Government, which is *primâ facie* evidence of the fact set forth in it, and has to be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person named in it arrives. No Chinese person is permitted to enter the United States by land without producing to the proper officer of customs a similar certificate. Any Chinese person found unlawfully within the United States is caused to be removed to the country whence he came, by direction of the President of the United States, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States, and found to be one not lawfully entitled to be or remain in the United States. This Act does not apply to diplomatic and other officers of the Chinese Government travelling upon the business of that Government, whose credentials are taken as equivalent to the certificate otherwise necessary, and exempt them and their body and household servants from the provisions of this Act as to other Chinese persons. No state court or court of the United States shall admit Chinese to citizenship. The words "Chinese labourers" include both skilled and unskilled labourers, and Chinese employed in mining.

Teams of animals, including their harness and tackle, and the vehicles or waggons actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, are admitted free of duty under such regulations as the Secretary of the Treasury may prescribe. It is unlawful for aliens of the following classes to immigrate into the United States — namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other

than political, or growing out of or the result of such political offences, or whose sentence has been remitted on condition of their emigration, and women "imported for the purpose of prostitution." Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he has reason to believe such obnoxious persons are on board; and when such inspection is required, it is unlawful, without permission of the collector, for any alien to leave the vessel until the inspection has been had and the result certified. At no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden, be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. Persons feeling aggrieved by the inspecting officer's certificate, can apply for release or other remedy to any proper court or judge; and it is the duty of the collector to detain the vessel until a hearing and determination of the matter are had. Pending investigation, the vessel may be permitted to depart, provided the company, or its agents, give proper bond with security that the questionable immigrants shall, in case of an adverse decision, be again taken on board and returned whence they came. Meantime these immigrants are detained on shore.

A duty of 50 cents for each and every passenger not a citizen of the United States who comes by steam or sail vessel from a foreign port to any port within the United States is paid to the collector of customs within twenty-four hours after the entry of such vessel into her port of arrival by the master, owner, agent, or consignee of such vessel. Passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada, or the ports of Mexico, and those coming into the United States by land carriage, are not subject to this duty. This duty is a lien on the vessels; and the money thus collected is paid into the United States Treasury, and constitutes what is called the Immigrant Fund, which is used under the direction of the Secretary of the Treasury to defray the expenses of regulating immigration, and for the care of immigrants and the relief of such as are in distress.

The Secretary of the Treasury is charged with supervision over the business of immigration to the United States, and for that purpose has power to enter into contracts with such state, commission, board, or officers as may be designated for that purpose by the governor of any state, to take charge of the local affairs of immigration in the ports within such state, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need of public aid under the rules and regulations prescribed by the Secretary. It is the duty of the state, commission, board, or officers to examine into the condition of passengers arriving at the ports within such state in any ship or vessel, and for that purpose all or any of such commissioners or officers or other persons appointed to go on board of and through any such ship or vessel, and to report in writing to the collector of the port any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, whom they have found among the passengers, and who shall not be permitted to land. All foreign convicts, except those convicted of political offences, upon arrival are sent back to the nations to which they

belong and from whence they came. The Secretary of the Treasury may designate the state, board of charities of any state in which such board exists by law, or any commission in any state, or any person or persons in any state whose duty it shall be to execute the provisions of law in these respects, and prescribe regulations for the return of said persons. The expense of the return of persons not permitted to land is borne by the owners of the vessels in which they came. The Secretary establishes such regulations and rules, and issues from time to time such instructions, not inconsistent with law, as he deems best calculated to protect the United States, and immigrants into the United States, from fraud and loss, and for carrying out the immigration laws of the United States.

There is need for a National Bureau of Immigration and Naturalisation, in which shall be kept a register recording the names and full particulars of every immigrant, and also a register of every immigrant naturalised under the laws of the United States, and which shall refer to the entries in the other register.

EXTRADITION.

Whenever there is a treaty or convention for extradition between the Government of the United States and any foreign Government, any justice of the Supreme Court, circuit judge, district judge, commissioner authorised so to do by any of the courts of the United States, or judge of a court of record of general jurisdiction of any state may, upon complaint made under oath charging any person found within the limits of any state, district, or territory with having committed within the jurisdiction of any such foreign Government any of the crimes provided for by such treaty or convention, issue his warrant for the apprehension of the person so charged, that he may be brought before him to the end that the evidence of criminality be heard and considered. If on such hearing he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, he certifies the same, together with a copy of all the testimony taken before him to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign Government for the surrender of such person, according to the stipulations of the treaty or convention; and he issues his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender be made. In every case of complaint, and of a hearing upon the return of the warrant of arrest, any depositions, warrants, or other papers offered in evidence are admitted and received for the purpose of such hearing if they are properly and legally authenticated so as to entitle them to be received as evidence of the criminality of the person so apprehended by the tribunals of the foreign country from which the accused party has escaped; and copies of any such depositions, warrants, or other papers are, if authenticated according to the law of such foreign country, in like manner received as evidence. The certificate of the principal diplomatic or consular officer of the United States resident in such foreign country is proof that any such deposition, warrant, or other paper, or copy thereof, is authenticated in the manner required. It is lawful for the Secretary of State, under his hand and seal of office, to order the person so commit-

ted to be delivered to such person as is authorised, in the name and on behalf of such foreign Government, to be tried for the crime of which he is so accused. Whenever a person so committed is not delivered up and conveyed out of the United States within two calendar months after his commitment, over and above the time actually required to convey him from the jail by the readiest way out of the United States, it is lawful for any judge of the United States, or of any state, upon application by or on behalf of the prisoner, and on proof of reasonable notice of the application having been given to the Secretary of State, to order the prisoner to be discharged, unless sufficient cause be shown why he should not be discharged.

Whenever the executive authority of any state or territory demands any person as a fugitive from justice of the executive authority of any state or territory to which such person has fled, and produces a copy of an indictment found, or an affidavit made before a magistrate of any state or territory, charging the person demanded with having committed treason-felony or other crime, certified as authentic by the governor or chief magistrate of the state or territory from whence the person so charged has fled, it is the duty of the executive authority of the state or territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority, to receive the fugitive, and to cause the fugitive to be delivered to such agent when he appears. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the state or territory making such demand are paid by such state or territory.

On application of a consul or vice-consul of any foreign Government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such Government while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document that the person named belonged at the time of desertion to the crew of such vessel, it is the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate having competent power to issue warrants, to cause such person to be arrested for examination. If on examination the facts stated are found to be true, the person arrested, not being a citizen of the United States, is delivered up to the consul or vice-consul, to be sent back to the dominions of any such Government, or, on the request or at the expense of the consul or vice-consul, is detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such Government. No person so arrested is detained more than two months after his arrest; but at the end of that time is set at liberty, and is not again molested for the same cause. If any such deserter is found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case is depending, or may be cognisable, has pronounced its sentence, and such sentence has been carried into effect.

THE UNITED STATES ARMY.

By the laws of 1885, chap. 339, an Act making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, no money appropriated should be paid for recruiting the Army beyond the number of 25,000 enlisted men, including Indian scouts and hospital stewards; "and therefore there shall be no more than 25,000 enlisted men in the Army at any one time, unless otherwise authorised by law." The appropriations for the year 1886-87 state no number, so the total number of enlisted men of all grades may be reckoned at 25,000. By the same Act of 1885, "the whole number of civilian employees—including agents, superintendents, mechanics, packers, teamsters, and train-masters—paid from appropriations for transportation of the Army shall not at any one time hereafter exceed 1000, nor shall any of said employees be graded for salary above fourth-class clerks of the Army Regulations; and the grade of sixth-class clerks in the Quartermaster's Department is hereby abolished." The appropriation (1) for the pay of enlisted men for the year 1886-87 was $4,276,588. In addition, $129,500 were appropriated for pay of 125 men enlisted as general service clerks at army, division, department, and district headquarters at the headquarters of the general recruiting service, at recruiting depots, and at West Point, New York, as follows: 10 clerks at $1200 each, 25 clerks at $1100 each, and 90 clerks at $1000 each—said sums to be paid in full for all pay, commutations, and allowances. (2) $32,400 for pay of 45 men enlisted as general service messengers, at the rate of $60 per month each, in full for all pay, commutations, and allowances. (3) $368,784 for pay to enlisted men by reason of length of service, in addition to their monthly pay and payable therewith.

The number and rank of the officers of the Army are stated in the Appropriation Act, chap. 574, of the laws of 1886, to be as follows:—

1 lieutenant-general.
3 major-generals.
6 brigadier-generals.
40 colonels.
40 lieutenant-colonels.
70 majors.
130 captains (mounted).
300 captains (not mounted).
34 chaplains.
40 adjutants.
40 regimental quartermasters.
140 first lieutenants (mounted).
350 first lieutenants (not mounted).
135 second lieutenants (mounted).
300 second lieutenants (not mounted).

The sum of $2,868,000 was appropriated to pay them; and in addition $8000 additional pay for 23 aids-de-camp, 1 military secretary, and officers of foot regiments when mounted by proper authority, in addition to and payable with their current monthly pay; and also in addition $767,791.50 for pay to officers for length of service, to be paid with their current monthly pay.

General Staff.

1. *Adjutant-General's Department.*—1 brigadier-general, 2 colonels, 4 lieutenant-colonels, 10 majors. Appropriations, $49,500; and additional pay for length of service, $16,000.

2. *Inspector-General's Department.*—1 brigadier-general, 2 colonels, 2 lieutenant-colonels, 2 majors. Appropriations, $23,500; and additional pay for length of service, $6000.

3. *Corps of Engineers.*—1 brigadier-general, 6 colonels, 12 lieuten-

ant-colonels, 24 majors, 30 captains (mounted), 26 first lieutenants (mounted), 10 second lieutenants (mounted). Appropriations, $239,500, including additional pay to adjutant and quartermaster; and $66,884 additional pay for length of service.

Staff Officers.

1. *Ordnance Department.*—1 brigadier-general, 3 colonels, 4 lieutenant-colonels, 10 majors, 26 captains (mounted), 5 storekeepers, and 10 first lieutenants. Appropriations, $131,500; and $41,538 additional pay for length of service.

2. *Quartermaster's Department.*—1 brigadier-general, 4 colonels, 8 lieutenant-colonels, 14 majors, 30 captains (mounted), and 5 storekeepers. Appropriations, $148,500; and $51,870 additional pay for length of service.

3. *Subsistence Department.*—1 brigadier-general, 2 colonels, 3 lieutenant-colonels, 8 majors, 12 captains (mounted). Appropriations, $79,500, additional pay for 140 acting commissaries; and $22,260 additional pay for length of services.

4. *Medical Department.*—1 brigadier-general, 6 colonels, 10 lieutenant-colonels, 50 majors, 95 captains (mounted), 3 storekeepers, and 30 first lieutenants (mounted). Appropriations, $425,500; and $116,340 additional pay for length of service.

5. *Pay Department.*—1 brigadier-general, 2 colonels, 3 lieutenant-colonels, and 43 majors. Appropriations, $129,000; and $38,850 additional pay for length of service.

6. *Judge-Advocate-General's Department.*—1 brigadier-general, 1 colonel, 3 lieutenant-colonels, 3 majors. Appropriations, $24,250, including additional pay for acting judge-advocates; and $7000 additional pay for length of service.

In the above enumeration of staff officers in the several departments, their relative ranks with officers of the line are stated, and they respectively receive the pay and emoluments of their respective relative ranks. Their departmental titles are adjutant-general and assistant adjutants-general; inspectors-general, chief of engineers, colonel, &c.; chief of ordnance, colonels, &c.; quartermaster-general, assistant quartermasters-general, deputy quartermasters-general; commissary-general, assistant commissaries-general, commissaries of subsistence; surgeon-general, assistant surgeon-general, chief medical purveyor, assistant medical purveyors, surgeons, assistant surgeons; paymaster-general, assistant paymasters-general, paymasters; judge-advocate-general, judge-advocates, and, upon occasion, acting judge-advocates.

The appropriations of 1886-87 contain items of $111,000 for pay of 65 contract surgeons, 160 hospital matrons, and 14 veterinary surgeons; $88,800 for pay of 46 paymaster's clerks at $1400 each per annum, 30 paymaster's messengers, and travelling expenses of paymaster's clerks actually paid by them; $15,000 for expenses of courts-martial and courts of inquiry, and compensation of witnesses attending the same; $500 additional pay to officer in charge of public buildings, &c., at Washington, District of Columbia; and $1000 additional pay to the officer commanding military prison at Leavenworth, Kansas; $150,000 for commutation of quarters to commissioned officers on duty without troops where there are no public quarters; $800,000 for allowances for travel, retained pay, clothing not drawn, and for interest on deposits, payable to enlisted men, on discharge; for mileage to officers, when authorised by law, not to exceed $160,000, provided that in disbursing this allowance, the maximum sum to be allowed and

paid shall be 4 cents per mile—distance to be computed over the shortest usually travelled routes, and in addition thereto, the cost of transportation actually paid, exclusive of sleeping or parlour car fares.

The sum of $902,977.38 was appropriated for pay of officers on the retired list; and $245,617.50 for additional pay for length of service. For pay of the enlisted men of the Army on the retired list, $36,426.83 were appropriated. (This retired list was established in 1885.)

The aggregate sum appropriated for pay of the Army during the fiscal year 1886-87 was $12,549,857.21, which should be disbursed and accounted for by the pay department as pay of the Army, and for that purpose constituted one sum.

The appropriations for the departments were, for 1886-87:—

Subsistence of the Army			$1,745,000
N.B.—Not over $105,000 to be paid to civilian employees.			
Quartermaster's Department—			
Regular supplies		$2,678,000	
Incidental expenses		675,000	
Purchase of horses		130,000	
Army transportation		2,800,000	
Arrears of Army transportation on certain land grant railroads		85,000	
Barracks and quarters		620,000	
Shelter and shooting-galleries and ranges, and repairs		10,000	
Construction and repairs of hospitals		100,000	
Construction of quarters for hospital stewards, including extra pay of enlisted men employed on the same		12,500	
Clothing, camp, and garrison equipage		250,000	
			7,360,500
N.B.—"No more than $1,500,000 of the sums appropriated by this Act shall be paid out for the services of civilian employees in the Quartermaster's Department, . . . and that no employee paid therefrom shall receive as salary more than $150 per month, unless the same shall be specially fixed by law, and no part of any of the moneys so appropriated shall be paid for commutation of fuel, and for quarters to officers or enlisted men."			
Medical Department—			
Medical and Hospital Department		$200,000	
N.B.—Not over $36,000 to be paid to civilian employees.			
Medical Museum and Library		15,000	
			215,000
Engineer Department—			
Engineer depot at Willet's Point, New York—			
Incidental expenses	$3000		
Materials for instruction of engineer troops	1000		
		$1,000	
Library of Engineer School of Application		500	
Construction of new officers' mess, building not to exceed		10,000	
			11,500
Ordnance Department—			
Ordnance Service—			
Current expenses		$90,000	
Carry forward			$9,332,000

Brought forward . .		$9,332,000
Ordnance Department—Ordnance Service—*continued*—		
Manufacture of ammunition for small arms, &c. . .	$100,000	
Mounting and dismounting guns, &c., and extra-duty pay for enlisted men	10,000	
Ordnance stores	75,000	
Equipments	65,000	
Preserving ordnance stores	5,000	
Manufacture of arms at national armouries . . .	400,000	
		745,000
N. B.—Not more than $60,000 of these appropriations to be applied to the payment of civilian clerks in this department.		
Recruiting Service—		
Expenses and transportation		100,000
Signal Service—		
Expenses		3,000
Contingent Expenses—		
Office of the lieutenant-general	$1,200	
Adjutant-General's Department	2,000	
All others	15,000	
		18,200
Total . . .		$10,198,200

When the volunteers or militia are called into the service of the United States, and the officers of the paymaster's department are not deemed by the President sufficient for the punctual payment of the troops, he may appoint, by and with the advice and consent of the Senate, and add to said corps as many paymasters, to be called additional paymasters, with the ranks of major, not exceeding one for every two regiments of volunteers or militia, as he may deem necessary. The paymaster-general performs the duties of his office under the direction of the President. The Army shall be paid in such manner that the arrears at no time exceed two months, unless circumstances render further arrears unavoidable.

The chief of ordnance may enlist as many master armourers, master carriage-makers, master blacksmiths, artificers, armourers, carriage-makers, blacksmiths, and labourers, as the Secretary of War may direct. Master armourers, master carriage-makers, and master blacksmiths are designated and mustered as sergeants; armourers, carriage-makers, and blacksmiths as corporals; artificers as ordnance enlisted men; and labourers as privates of the second class. The chief of ordnance may, under the direction of the Secretary of War, establish depots of ordnance and ordnance stores in such parts of the United States, and in such numbers, as may be deemed necessary. Ordnance sergeants, selected by the Secretary of War from the sergeants of the line, who have served faithfully eight years, four of them as non-commissioned officers, are assigned by him to their stations. One is assigned to each military post to take care of the ordnance, arms, ammunition, and other military stores at such post, under the direction of the commanding officer, and according to the regulations prescribed by the Secretary of War.

All officers of the quartermaster's, subsistence, and pay departments, the chief medical purveyor and assistant medical purveyors (who, when not acting as purveyors, are assignable to duty as surgeons by the President), and all storekeepers, before entering upon the duties of their respective offices, give good and sufficient bonds to

the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property they may receive.

The adjutant-general, the quartermaster-general, the commissary-general of subsistence, the surgeon-general, the chief of engineers, the chief of ordnance, and the paymaster-general are appointed by selection from the corps to which they belong.

The President, by and with the advice and consent of the Senate, appoints a chaplain for each regiment of coloured troops and thirty post chaplains, who must be regularly ordained ministers of some religious denomination in good standing at the time of appointment, and recommended by some authorised ecclesiastical body, or by not less than five accredited ministers of said denomination. Chaplains have the rank of captain of infantry, and are on the same footing with other officers of the army as to tenure of office, retirement, and pensions. Chaplains of regiments of coloured troops and post chaplains instruct the enlisted men in the common English branches of education, and when it is practicable they hold appropriate religious services for the benefit of the commands to which they are assigned to duty at least once on each Sunday, and perform appropriate religious burial services of all who die in such commands. Post, hospital, and regimental chaplains make monthly reports to the adjutant-general, through the usual military channels, of the moral condition and general history of their regiments or posts.

There are—

5 regiments of artillery;
10 regiments of cavalry;
25 regiments of infantry;
A corps of engineers, and 1 battalion of engineers.

Each regiment of artillery consists of 12 batteries, 1 colonel, 1 lieutenant-colonel, 1 major for every four batteries, 1 adjutant, 1 quartermaster and commissary, 1 sergeant-major or quartermaster-sergeant, 1 chief musician, who is instructor of music, and 2 principal musicians. The adjutant and quartermaster are extra lieutenants, selected from the first or second lieutenants of the regiment. Each battery consists of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 4 sergeants, 4 corporals, 2 musicians, 2 artificers, 1 waggoner, and as many privates, not exceeding 122, as the President may direct. One first lieutenant, 1 second lieutenant, 2 sergeants, and 4 corporals may be added to this battery organisation at the discretion of the President. One battery in each regiment of artillery, to be designated by the President, is equipped as light infantry, and one other battery may be so designated and equipped when the President deems it necessary.

Each regiment of cavalry consists of 12 troops, 1 colonel, 1 lieutenant-colonel, 3 majors, 1 adjutant, 1 quartermaster, 1 veterinary surgeon, with the rank of regimental sergeant-major, 1 sergeant-major, 1 quartermaster-sergeant, 1 saddler sergeant, 1 chief musician, who is instructor of music, and 1 chief trumpeter. 2 assistant surgeons may be allowed to each regiment, and the 7th, 8th, 9th, and 10th regiments have an additional veterinary surgeon. The adjutant and the quartermaster of each regiment are extra lieutenants selected from the first or second lieutenants of the regiment. Each troop consists of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 5 sergeants, 4 corporals, 2 trumpeters, 2 farriers, 1 saddler, 1 waggoner, and such number of privates, not exceeding 100, as the President may direct. The enlisted men of two

regiments shall be coloured men. Any portion of the cavalry force may be armed and drilled as infantry or dismounted cavalry, at the discretion of the President.

Each regiment of infantry consists of 10 companies, 1 colonel, 1 lieutenant-colonel, 1 major, 1 adjutant, 1 quartermaster, 1 sergeant-major, 1 quartermaster-sergeant, 1 chief musician, who is instructor of music, and 2 principal musicians. The adjutant and quartermaster are extra lieutenants selected from the first or second lieutenants of the regiment. Each company consists of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 4 sergeants, 4 corporals, 2 artificers, 2 musicians, 1 waggoner, and 50 privates, who may at the discretion of the President be increased not to exceed 100, whenever the exigencies of the service require it. The enlisted men of two regiments shall be coloured men.

The corps of engineers consists of 1 chief of engineers, with the rank of brigadier-general, 6 colonels, 24 majors, 30 captains (mounted), 26 first lieutenants (mounted), and 10 second lieutenants (mounted); and the battalion consists of 5 companies, 1 sergeant-major, and 1 quartermaster-sergeant, who is also commissary sergeant. Each company consists of 10 sergeants, 10 corporals, 2 musicians, and as many privates of the first class, not exceeding 64, and as many privates of the second class, not exceeding 64, as the President may direct. A battalion adjutant, a battalion quartermaster, and appropriate officers to command the companies and battalion, are detailed from the corps. The enlisted men are instructed in and perform the duties of sappers, miners, and pontoniers, and aid in giving practical instruction in these branches at the Military Academy, &c. Engineers shall not assume or be ordered on any duty beyond the line of their immediate profession, except by the special order of the President.

Recruits enlisting in the Army must be effective and able-bodied men, and between the ages of sixteen and thirty-five years at the time of enlistment; but this limitation of age does not apply to soldiers re-enlisting. No person under twenty-one years shall be enlisted or mustered in the military service of the United States without the written consent of his parents or guardians, if he has parents or guardians entitled to his custody and control. No minor under sixteen years, no insane or intoxicated person, no deserter from the military service of the United States, and no person who has been convicted of a felony, shall be enlisted or mustered into the military service. All enlistments in the army are for the term of five years. No officers shall use an enlisted man as a servant in any case whatever, and no enlisted man during his term of service shall be arrested on mesne process, or taken or charged in execution for any debt, unless it was contracted before his enlistment, and amounted to $20 when first contracted. Line officers superintend the cooking done for enlisted men.

The monthly pay, during the first term of enlistment of the enlisted men, is as follows—viz., sergeant-majors of cavalry, artillery, and infantry, $23; quartermaster-sergeants of do., $23; chief trumpeters of cavalry, principal musicians of artillery, saddler sergeants of cavalry, first sergeants of cavalry, artillery, and infantry, $22; sergeants of do., $17; corporals of cavalry and light artillery, corporals of artillery and infantry, saddlers of cavalry, blacksmiths and farriers of cavalry, $15; trumpeters of cavalry, musicians of artillery and infantry, privates of cavalry, artillery, and infantry, $13;

hospital stewards, first class, $30; second class, $22; third class, $20; ordnance sergeants of post, $34; sergeants-major of engineers, $36; quartermaster-sergeants of engineers, $36; sergeants of engineers and ordnance, $34; corporals of do., $20; musicians of engineers, $13; privates of engineers and ordnance, first class, $17; second class, $13. In addition to these rates, $1 per month is added for the third year of enlistment, $1 more for the fourth year, and $1 more per month for the fifth year, making $3 per month increase during the last year of the first enlistment—but this increase is considered as retained pay not payable until his discharge, and forfeited if he does not serve honestly and faithfully until discharged. Every honourably discharged man who re-enlists for a second term of five years within one month of discharge, is paid for such second term $2 per month in addition to the ordinary pay, and for each successive period of five years, as long as he remains continuously in the Army, a further sum of $1 per month. $1 per month of the pay of each re-enlisted man is retained and paid on his discharge, but forfeited if he does not honestly and faithfully serve until discharged. The President grants certificates of merit for distinguished services, entitling the soldier to $2 per month additional pay during his service as a soldier. Soldiers employed on public works, &c., as artificers or labourers, get extra pay. No assignment of pay by a non-commissioned officer or private previous to his discharge is valid. Sergeants and corporals of ordnance receive one ration and a half daily, other enlisted men one ration daily. When an enlisted man has served as such thirty years in the United States army or marine corps, either as a private or a non-commissioned officer or both, he shall, by making application to the President, be placed on the retired list created by the laws of 1885, chap. 67, with the rank held by him at the date of retirement, and he shall thereafter receive 75 per cent of the pay and allowance of the rank upon which he was retired. Enlisted men detailed for ordnance service get extra-duty pay.

Chief musicians of regiments receive $60 a-month and the allowances of a quartermaster-sergeant; artificers of artillery and infantry, $15 per month; waggoner of cavalry, artillery, and infantry, $14 per month. The principal assistant in the Ordnance Bureau gets compensation, including pay and emoluments, not exceeding that of a major of ordnance.

The annual pay of officers of the Army is as follows, viz.: The general (when there is one), $13,500; lieutenant-general, $11,000; major-general, $7500; brigadier-general, $5500; colonel, $3500; lieutenant-colonel, $3000; major, $2500; captain (mounted), $2000, (unmounted), $1800; adjutant, $1800; regimental quartermaster, $1800; first lieutenant (mounted), $1600, (unmounted), $1500; second lieutenant (mounted), $1500, (unmounted), $1400; chaplain, $1500; aid to major-general, $200 extra; aid to brigadier-general, $150 extra; acting assistant commissary, $100 extra; ordnance storekeeper at Springfield Armoury, $2500; all other storekeepers, $2000. To all commissioned officers below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, there is allowed and paid 10 per centum of their current yearly pay for each term of five years of service; but such total extra pay is not to exceed 40 per cent on the yearly pay of the grade. Brevet rank does not entitle to increase of pay. Officers when absent on account of wounds or sickness, or

lawfully absent from duty and waiting orders, receive full pay; when absent with leave for other causes, full pay during an annual aggregate of thirty days, and half-pay for any excess of thirty days. Absence without leave forfeits all pay during such absence, unless it be excused as unavoidable. In no case does a colonel's pay exceed $4500, or a lieutenant-colonel's $4000. By the laws of 1883, no person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any territory, except officers of the Army on the retired list.

Officers retired from active service receive 75 per cent of their rank's pay. The number of such retired officers shall be limited to 400. Officers wholly retired are allowed one year's pay upon retiring. An officer who has served forty consecutive years as a commissioned officer, upon application to the President, may be put upon the retired list; and when he has served thirty years, on his own application, at the discretion of the President. When any officer has served forty-five years as a commissioned officer, or is sixty-two years old, he may be retired at the discretion of the President. When an army retiring board finds an officer incapacitated for active service, and the President approves, he is placed on the list of retired officers. An Act was passed in 1882 to the effect that any officer who was supernumerary to permanent organisation of the army, as provided by law, might at his own request be honourably discharged from the Army, and should thereupon receive one year's pay for each five years of his service; but no officer should receive more than three years' pay in all.

No officer of the Army shall be employed on civil works or internal improvements, or be allowed to engage in the service of any incorporated company. The number of officers detailed to act as presidents, superintendents, and professors of colleges and universities shall not exceed forty at any time. Promotions in the line are made through the whole army in its several lines of artillery, cavalry, and infantry respectively. Promotions in the staff of the army are made in the several departments and corps respectively. Sales of subsistence supplies to officers and men are made at cost price only, which is in all cases the invoice price of the last lot of the particular article received by the officer making the sale prior to the first day of the month in which the sale was made. A ration is computed at 20 cents.

The proper accounting officers of the Treasury examine into, ascertain, and determine the value of private property belonging to officers and men in the military service of the United States lost or destroyed in the military service not in time of war or hostilities with Indians. The liability of the Government is limited to such articles of personal property as the Secretary of War in his discretion decides to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters engaged in the public service. Claims must be presented within two years from the occurrence of the loss or destruction, which must have arisen (1) without fault or negligence on the part of the claimant; (2) where shipped on board an unseaworthy vessel by order of any officer authorised to give such order or direct such shipment; (3) where it was in consequence of the claimant having given his attention to the saving of the property belonging to the United States, which was in danger at the same time and under similar circumstances.

No person who held a commission in the Army or Navy of the United States at the beginning of the late

Rebellion, and afterward served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the states in insurrection during the late Rebellion, shall be appointed to any position in the Army or Navy of the United States.

The general (when there is one) may select from the Army not over 6 aids-de-camp, who, while serving on his staff, have the rank of colonel of cavalry. The lieutenant-general may select from the Army 2 aids and 1 military secretary, who have the rank of lieutenant-colonel while serving on his staff. Each major-general has 3 aids, who may be selected by him from captains or lieutenants of the Army. Each brigadier-general has 2 aids, who may be selected by him from lieutenants of the Army.

The maximum strength of the United States Army is not to exceed, at present, 2155 officers and 25,000 enlisted men, including Indian scouts and hospital stewards. During the year ending June 30, 1885, the number of officers retired was 520, the number of privates discharged 5610, the number who died 234, the number who deserted 2927, and the number enlisted and re-enlisted 8490.

The Army is divided into—(1) the Missouri Division, with headquarters at Chicago; (2) Atlantic Division, with headquarters at New York; and (3) Pacific Division, with headquarters at San Francisco, each division being commanded by a major-general. The Missouri Division is divided into four departments, viz.—(1) Missouri; (2) Texas; (3) Dakota; (4) Platta, each commanded by a brigadier-general. The Atlantic Division includes the Department of the East, commanded by the major-general. The Pacific Division has two departments, viz.—(1) California; (2) Arizona, each commanded by a brigadier-general.

In every official Army Register the lineal rank of all officers of the Army are given separately for the different arms of the service; and if the officer be promoted from the ranks, or has served in the volunteer army, either as an enlisted man or officer, his service as a private and non-commissioned officer is given, and in addition thereto the record of his service as volunteer. All vacancies in the grade of second lieutenant are filled by appointment from the graduates of the Military Academy, so long as any such remain in service unassigned; and any vacancies thereafter remaining are filled by promotion of meritorious non-commissioned officers of the Army; and should there remain vacancies after exhausting the two classes named, they are filled by appointment of persons in civil life. To be eligible for promotion, non-commissioned officers must be reported by their regimental commanders as, in their opinion, by education, conduct, and services, seeming to merit advancement, and must have served not less than two years in the army; and the report must set forth in detail the non-commissioned officers' character, physical and mental qualifications, &c. Annually the department commander assembles a board of five officers to make a preliminary examination into the claims and qualifications of such non-commissioned officers. This board submits a full statement in the case of each candidate examined, and on these statements the department commander endorses his remarks, and forwards them to the Secretary of War, by the first day of June in each year. The chief of engineers, and of other staff corps, may make similar recommendations of the non-commissioned officers of their respective commands, to the Secretary of

War, who convenes a board of officers for like purpose.

It is not lawful to employ any part of the Army of the United States as a *posse comitatus* or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorised by the Constitution, or by Act of Congress; and no money appropriated shall be used to pay any of the expenses incurred in the employment of any troops in violation of this provision. Any person wilfully violating this provision is deemed guilty of a misdemeanour, and, on conviction, is punished by fine not exceeding $10,000, or imprisonment not exceeding two years, or by both.

The armies of the United States are governed by certain rules and Articles of War, which every officer subscribes before entering upon the duties of his office; and which are read to every enlisted man at the time of, or within six days after, his enlistment, and he thereupon takes, before any commissioned officer of the Army, an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and Articles of War."

In his 1886 annual report, the Secretary of War stated the expenditures during the fiscal year ended June 30, 1886, to be:—

Salaries, contingent expenses, stationery, rent, and postage	$1,992,469.95
Military establishment: army and military academy, including the sum of $410,684.07 credited to the Pacific Railroad for transportation services rendered the War Department during the fiscal year 1886 and prior years	24,297,500.58
Public works, including river and harbour improvements	6,294,305.43
Miscellaneous objects	4,406,627.92
Total	$36,990,903.88

The sum of $1,208,016.46 pertaining to War Department appropriations was carried to the surplus fund, June 30, 1886. The appropriations for 1887 show a total of $46,027,559.85, the real increase being in public works, for which $16,723,446.69 is allowed. The estimates for 1888 make a total of $48,268,835.81.

The present strength of the army was reported by the lieutenant-general as follows:—

	Officers.	Enlisted men.
Generals	10	...
General staff	573	1,212
Ten regiments of cavalry	411	6,942
Five regiments of artillery	272	2,473
Twenty-five regiments of infantry	836	10,721
Indian scouts	...	595
Detachments, recruiting parties, &c.	...	2,003
Total	2,102	23,946

The Secretary of War concurred with the lieutenant-general in recommending that all officers found to be permanently incapacitated for

active service be transferred to the retired list as soon as possible, and continued—"It would seem therefore that no objection can reasonably be urged against an examination as a condition of promotion, the same to be conducted by officers of higher grade. This should not be a competitive examination, but simply such an examination as would demonstrate the fitness of a candidate for promotion properly to perform the duties of the grade to which he aspires. It should be a professional examination, having reference to the mental, moral, and physical fitness of the candidate. Its object is plain—the advancement and elevation of the service. Surely there can be no reasonable objection to this test on the part of those who will be subjected to it." And farther on he continued: "We have a single problem to solve in defending our cities—how best to resist and silence the armoured ships and the steel guns and mortars of modern construction. It can only be accomplished by guns of equal force to those which any enemy can bring against us, and by torpedoes or submarine mines laid in the navigable channels, both so guarded and protected that they can do efficient service when required. We have no gun now which can stop the progress of, or do any material injury to, a well-armoured ship. The manufacture of a gun is a work of time, and of a long time, and cannot be extemporised when wanted. Torpedoes may be more quickly created, but still time and money are needed for their construction. It has been said by a well-informed writer on the subject that it is a matter of doubt if we have on hand enough cables and cases to control with torpedoes the channels past Sandy Hook alone."

In his 1886 annual message, the President, referring to examinations, said he saw "no objection, but many advantages, in adopting this feature, which has operated so beneficially in our Navy Department, as well as in some branches of the Army." He also said that "the subject of coast defences and fortifications had been fully and carefully treated by the Board of Fortifications, whose report was submitted at the last session of Congress; but no construction work of the kind recommended by the Board has been possible during the last year, from the lack of appropriations for such purpose."

SIGNAL SERVICE.

The Signal Service consists of a chief signal officer with the rank of a brigadier-general, who has charge, under the direction of the Secretary of War, of all signal duty, and of all books, papers, and apparatus connected therewith. The Secretary of War may detail from the corps of engineers a certain number of officers, and from the battalion of engineers any number of non-commissioned officers and men for the performance of signal duty; but no officer or enlisted man is so detailed until he has been examined and approved by a military board convened by the Secretary of War. Enlisted men detailed for signal duty are, when deemed necessary, mounted on horses provided by the Government. According to the 1886-87 appropriation Act, the corps consists of the chief signal officer, 16 second lieutenants, and 150 sergeants, 30 corporals, and 320 privates, who receive the pay of engineer soldiers of similar grades. Two sergeants may in each year be appointed to be second lieutenants.

Signal service men do not receive extra-duty pay, unless it is specially directed by the Secretary of War. The appropriations for 1886-87, to be expended by the Secretary of War for expenses of the meteorological observation and report by telegraph, signal, or otherwise, announcing the probable approach and force of storms, for the benefit of commerce and agriculture of the United States, included $10,000 for instruments; $120,000 for telegraphing reports, &c.; $10,000 for signals; $26,350 for connections with life-saving stations or lighthouses, a new submarine cable connecting Block Island, Rhode Island, and the mainland of Rhode Island, if such connections, in the opinion of the Superintendent of the Life-Saving Service and the Lighthouse Board, should be deemed necessary; $20,000 for a submarine cable from Cape Charles to Cape Henry; $35,000 for contingent expenses outside of Washington, District of Columbia; $9000 for river and flood observations, &c.; $25,000 for hire of civilian printers and engravers, stationery printing supplies, maps, bulletins, maintaining a printing-office in Washington, District of Columbia; $7000 for observations, &c., announcing the probable approach and severity of frosts or rains in the cotton region; $24,000 for maintenance and repair of military telegraph lines; $247,301.51 for pay of officers and enlisted men, mileage, commutation of quarters, &c.; $155,000 for subsistence; $58,638.40 for regular supplies; $1954 for incidental expenses, interments, apprehension of deserters; $35,505 for transportation; $84,108 for barracks and quarters; $2873.89 for clothing and camp and garrison equipage; $7100 for the medical department; $100 for materials for preservation and care of ordnance and ordnance stores at post of Fort Myer, Virginia.

This appropriation Act provides "that the joint-committee, consisting of three senators and three representatives, to consider the present organisations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, provided for in the Act entitled 'An Act making appropriations for sundry civil expenses of the Government,' and so forth, approved 7th July 1884, be and the same is hereby continued, with power to sit during the recess of Congress in the city of Washington; and the said Commission shall report to their respective Houses on or before the third Monday in December 1885, or as soon thereafter as may be, by bill or otherwise; and the present President *pro tempore* of the Senate and Speaker of the House of Representatives shall appoint respectively a senator and representative to take the places on said Commission of the senator and representative whose terms of office expire with the present Congress."

THE UNITED STATES MILITARY ACADEMY.

The United States Military Academy at West Point, in the State of New York, is constituted thus: 1 superintendent, 1 commandant of cadets, 8 professors, 8 assistant professors, 1 instructor of practical military engineering, 1 instructor of ordnance and science of gunnery, 3 instructors of cavalry, artillery, and infantry tactics, and 4 assistant instructors of these tactics, adjutant, treasurer, quartermaster, and commissary of cadets, 1 master of the sword, 1 military band, consisting of 1 teacher of music, who is leader of the band, and may be a

civilian, and 24 enlisted musicians. The pay of the music teacher is $1080 per annum, and $9240 were appropriated in 1886 for the pay of the "Military Academy Band." The departments of the academy are natural and experimental philosophy; modern languages; chemistry, mineralogy, and geology; history, geography, and ethics; instruction in mathematics; artillery, cavalry, and infantry tactics; law; civil and military engineering; ordnance and gunnery; practical military engineering; drawing. There is a library, and the sum of $1500 was in 1886 appropriated for periodicals, binding new books, and scientific, historical, biographical, and general literature. The superintendent, commandant of cadets, and professors are appointed by the President; the assistant professors and adjutant are officers of the Army detailed and assigned to such duties by the Secretary of War, or cadets assigned by the superintendent under the direction of the Secretary of War. The academic staff as such are not entitled to any command in the Army separate from the academy.

The corps of cadets consists of one from each congressional district, one from each territory, one from the District of Columbia, and ten from the United States at large. They are appointed by the President, and with the exception of the ten appointed at large, must be actual residents of the congressional or territorial districts, or District of Columbia, respectively, from which they purport to be appointed. They are appointed one year in advance of the time of admission to the academy, unless a vacancy sooner arises. No pay or allowance is given any appointee until he has been regularly admitted. Appointees must be between seventeen and twenty-two years of age, and are examined under regulations prescribed from time to time by the Secretary of War before being admitted, and require to be well versed in reading, writing, and arithmetic, and to have a knowledge of the elements of English grammar, of descriptive geography, particularly that of the United States, and of the history of the United States. Before admission, each candidate must take and subscribe an oath to support the Constitution of the United States, and bear true allegiance to the national Government, to maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty he may owe to any state, county, or country whatsoever, and at all times to obey the legal orders of his superior officers and the rules and articles governing the armies of the United States. He must also sign articles, with the consent of his parents or guardians, if he be a minor and have any, to serve eight years, unless sooner discharged. The appropriation for 1886-87 provides "for pay of cadets, $160,000; and no cadet shall receive more than at the rate of $540 a-year."

The corps is arranged into four companies, each commanded by an officer of the Army, for the purpose of military instruction, and to each company 4 musicians are added. The corps is taught and trained in all the duties of a private soldier, non-commissioned officer, and officer, and is encamped at least three months in each year, and taught and trained in all the duties incident to a regular camp. Cadets are subject at all times to do duty in such places and on such service as the President may direct. They are not required to pursue their studies on Sunday. The superintendent can convene general courts-martial for the trial of cadets, and execute the sentences, except those of suspension and dismission, as those of other courts-martial.

A board of visitors is appointed

every year to attend the annual examination of the academy, and consists of seven persons appointed by the President, and two senators and three members of the House of Representatives, designated as visitors by the presiding officers of the Senate and House of Representatives respectively, at the session of Congress next preceding such examination. This board's duty is to inquire into the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns of the academy. The visitors appointed by the President report thereon to the Secretary of War for the information of Congress at the commencement of the next following session, and the senators and representatives designated visitors report to Congress, within twenty days after the meeting of said next session, their action as such visitors, with their views and recommendations concerning the academy.

The supervision and charge of the academy are in the War Department, under such officers as the Secretary of War assigns to that duty. The Secretary of the Senate furnishes annually to the library of the academy one copy of each document published during the preceding year by the Senate.

By chap. 362 of the laws of 1886, the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and in the military and naval schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text-books in the hands of pupils, where other branches are thus studied in said schools, and by all pupils in all said schools throughout the territories, in the military and naval academies of the United States and in the District of Columbia, and in all Indian and coloured schools in the territories of the United States. This Act further provides that no certificate shall be granted to any person to teach in the public schools of the District of Columbia or territories after the 1st day of January 1888, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and the effects of alcoholic drinks and other narcotics upon the human system.

Chap. 338 of the laws of 1886 provides that when any cadet of the United States Military Academy has gone through all its classes, and received a regular diploma from the academic staff, he may be promoted and commissioned as a second lieutenant in any arm or corps of the Army in which there may be a vacancy, and the duties of which he may have been judged competent to perform; and in case there shall not at the time be a vacancy in such arm or corps, he may, at the discretion of the President, be promoted and commissioned in it as an additional second lieutenant, with the usual pay and allowances of a second lieutenant, until a vacancy shall happen.

THE UNITED STATES MILITIA.

The fundamental law concerning the United States militia is that of 8th May 1792, but a number of statutory enactments have been passed since then. Every able-bodied male citizen of the respective states, resident therein, who is of the age of eighteen years and under the age of

forty-five years, is enrolled in the militia. It is the duty of every captain or commanding officer of a company to enrol every such citizen residing within the bounds of his company, and without delay to notify every such citizen of his enrolment by a proper non-commissioned officer of his company, who proves the notice; and any notice or warning to a citizen enrolled to attend a company, battalion, or regimental muster, which is according to the laws of the state in which it is given for that purpose, is deemed a legal notice of his enrolment. After notice of enrolment, every citizen shall be constantly provided with a good musket or firelock of a bore sufficient for bullets of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch, and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear duly armed, accoutred, and provided for when called out to exercise, or into service, except that, when called out on company days to exercise only, he may appear without a knapsack. The arms, &c., are exempt from all suits, distresses, executions, or sales for debt or for the payment of taxes. Each commissioned officer is armed with a sword or hanger and spontoon. The Vice-President of the United States; the officers, judicial and executive, of the Government of the United States; the members of both Houses of Congress and their respective officers; all custom-house officers; all postmasters and persons employed in the transmission of the mail; all ferrymen employed at any ferry on post-roads; all inspectors of exports; all artificers and workmen employed in the armouries and arsenals of the United States; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons exempted by the laws of the respective states,—are exempted from militia duty, notwithstanding their being above the age of eighteen and under the age of forty-five years.

The militia of each state is arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the state directs. Each brigade may consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of sixty-four privates. Each division, brigade, and regiment is numbered at its formation, and a record of the numbers is made in the adjutant-general's office of the state. When in the field or in service in the state, each division, brigade, and regiment respectively takes rank according to its number, reckoning the first or lowest number highest in rank. The militia is officered by the respective states as follows:—To the militia of each state, 1 quartermaster-general; to each division, 1 major-general, 2 aids-de-camp with the rank of major, 1 division-inspector with the rank of lieutenant-colonel, and 1 division-quartermaster with the rank of major; to each brigade, 1 brigadier-general, 1 brigade-inspector, to serve also as brigade-major, with the rank of major, 1 quartermaster of brigade with the rank of captain, and 1 aid-de-camp with the rank of captain; to each regiment of two battalions, 1 colonel, 1 lieutenant-colonel, 1 major, and 1 chaplain; to only one battalion, a major who commands the same; to each company, 1 captain, 1 lieutenant, 1 ensign, 4 sergeants, 4 corporals, 1 drummer, and 1 fifer or bugler. And there is a

regimental staff consisting of 1 adjutant and 1 quartermaster to rank as lieutenants, 1 paymaster, 1 surgeon, 1 surgeon's mate, 1 sergeant-major, 1 drum-major, and 1 fife-major. There is formed for each battalion at least one company of grenadiers, light infantry, or riflemen; and for each division at least one company of artillery and one troop of horse. For each company of artillery there are 1 captain, 2 lieutenants, 4 sergeants, 4 corporals, 6 gunners, 6 bombardiers, 1 drummer, and 1 fifer. The officers are armed with a sword or hanger, a fusee, bayonet, and belt, with a cartridge-box to contain twelve cartridges; and each private furnishes himself with all the equipments of a private in the infantry, until proper ordnance and field-artillery are provided. For each troop of horse there are 1 captain, 2 lieutenants, 1 cornet, 4 sergeants, 4 corporals, 1 saddler, 1 farrier, and 1 trumpeter. The commissioned officers furnish themselves with good horses of at least 14½ hands high, and are armed with a sword and pair of pistols, the holsters to be covered with bearskin caps. Each dragoon furnishes himself with a serviceable horse at least 14½ hands high, a good saddle, bridle, mail-pillion and valise, holsters, and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartridge-box to contain twelve cartridges for pistols. Each company of artillery and troop of horse shall be formed of volunteers from the brigade at the discretion of the commander-in-chief of the state, not exceeding one company of each to a regiment, nor more in number than 1-11th part of the infantry, and shall be uniformly clothed in regimentals to be furnished at their own expense, the colour and fashion to be determined by the brigadier commanding the brigade to which they belong. Each battalion and regiment is provided with the state and regimental colours by the field-officers, and each company with a drum and fife or bugle-horn by the commissioned officers of the company, in such manner as the legislatures of the respective states may direct.

Each state appoints an adjutant-general, who makes annual returns of the militia of the state, &c., agreeably to the provisions of law, to the President of the United States. It is the duty of the Secretary of War from time to time to give such directions to the adjutant-generals of the militia as are in his opinion necessary to produce a uniformity in such returns. The system of discipline and field exercise observed in the different corps of infantry, artillery, and riflemen is observed in such corps respectively of the militia.

Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it is lawful for the President to call forth such number of the militia of the state or states most convenient to the place of danger, or scene of action, as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper. When the militia of more than one state is called into the actual service of the United States by the President, he shall apportion them among such states according to representative population; and when so called out, the militia is subject to the same rules and articles of war as the regular troops of the United States.

When called into actual service, the militia is organised thus: they are formed by the President, under the laws of 22d July 1861, into

regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organised as in the regular service. Each regiment of infantry has 1 colonel, 1 lieutenant-colonel, 1 major, 1 adjutant (a lieutenant), 1 quartermaster (a lieutenant), 1 surgeon, 2 assistant-surgeons, 1 sergeant-major, 1 regimental quartermaster-sergeant, 1 hospital steward, and 2 principal musicians, and is composed of 10 companies, each company to consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 4 sergeants, 8 corporals, 2 musicians, 1 waggoner, and from 64 to 82 privates. They are further organised into divisions of 3 or more brigades each; and each division has 1 major-general, 3 aids-de-camp, 1 assistant-adjutant-general with the rank of major. Each brigade is composed of 4 or more regiments, and has 1 brigadier-general, 2 aids-de-camp, 1 assistant-adjutant-general with the rank of captain, 1 surgeon, 1 assistant-quartermaster, 1 commissary of subsistence, and 16 musicians as a band. The President may specify the period, not exceeding nine months, for which the militia is called into active service; and the militia then serves during such stated period, unless sooner discharged by the President's command. The militia receives during the period of actual service the same pay, rations, clothing, and camp equipage as may be provided by law for the army of the United States.

The expenses incurred by marching the militia of any state or territory to their place of rendezvous, in pursuance of a requisition of the President, or of a call made by the authority of any state or territory and approved by him, are adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous on the requisition of the President; but this does not authorise any species of expenditure previous to arriving at the place of rendezvous not provided by existing law, to be paid for after their arrival thereat. When any officer, non-commissioned officer, artificer, or private of the militia or volunteer corps dies in the service of the United States, or in returning to his place of residence after being mustered out of service, or at any time in consequence of wounds received in service, and leaves a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, are entitled to receive half the monthly pay to which the deceased was entitled at the time of his death during the term of five years; and in the case of the death or intermarriage of such widow before the expiration of five years, the half-pay for the remainder of the time goes to the child or children of the decedent. Courts-martial for the trial of militia are composed of militia officers only.

All the arms procured in virtue of any appropriation authorised by law, for the purpose of providing arms and equipments for the whole body of the militia of the United States, are annually distributed to the several states of the union according to the number of their representatives and senators in Congress respectively; and all arms for the territories and for the District of Columbia are annually distributed in such quantities and under such regulations as the President may prescribe. Small arms and pieces of field artillery are in certain circumstances issued by the United States Government, to be used for the military instruction and practice of students of colleges

or universities. All such arms are transmitted to the several states and territories by the United States. By an Act of 1872, the breech-loading system for muskets and carbines adopted by the Secretary of War, known as the "Springfield breech-loading system," is the only system to be used by the Ordnance Department in the manufacture of muskets and carbines for the military service.

By an Act of 1882, the Secretary of War was authorised at his discretion to issue, on the requisition of the governor of a state bordering on the sea or gulf coast, and having a permanent camping-ground for the encampment of the militia, not less than six days annually, two heavy guns and four mortars, with carriages and platforms, if such could be spared, for the proper instruction and practice of the militia in heavy artillery drill, and for this purpose a suitable battery for these cannon would be constructed; and for said construction and the transportation of said cannon, and so forth, the sum of $5000 was thereby appropriated for supplying each state that might so apply.

Upon the requisition of the governors of territories, showing the absolute necessity for arms for the protection of citizens and their property against hostile Indians within, or of Indian raids into, such territories, the Secretary of War is authorised to cause to be issued such arms and ammunition as he may deem necessary for their protection, not exceeding a certain number and quantity. These arms are only those superseded and no longer issued to the army. The governors to whom the arms are issued shall give good and sufficient bonds for their return, or payment therefor, at such time as the Secretary of War may designate. An issue of such arms and ammunition to states bordering on territories may likewise be made.

UNITED STATES NAVY.

The appropriation Act for the years 1886-87 does not mention the various officers on the active and retired lists, but provides "for the pay of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; admiral's and vice-admiral's secretaries; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; inspections; receiving-ships and other vessels; extra pay to men reenlisting under honourable discharge; pay of petty officers, seamen, landsmen, and boys, including men in the engineers' force, and for the Coast Survey service and Fish Commission, 7500 men and 750 boys, at the pay prescribed by law — in all, $7,000,000." But the 1875-76 appropriation Act particularly states the number of officers on both the retired and active lists, and the following was the number of each for the year 1885-86:—

	Active List, 1885-86.	Retired List, 1885-86.
Admiral	1	...
Vice-admiral	1	...
Rear-admirals	7	48
Chiefs of bureaux	8	...
Commodores	19	15
Captains	43	12

	Active List, 1885-86.	Retired List, 1885-86.
Commanders	84	10
Lieutenant-commanders	74	21
Lieutenants	260	35
Junior lieutenants	89	...
Ensigns	191	8
Medical directors	14	21
Medical inspectors	15	3
Surgeons	47	7
Passed assistant surgeons	74	6
Assistant surgeons	8	6
Assistant surgeons not in the line of promotion	2	...
Pay directors	13	10
Pay inspectors	12	2
Paymasters	48	4
Passed assistant paymasters	28	2
Assistant paymasters	19	1
Chief engineers	69	14
Passed assistant engineers	88	24
Assistant engineers	81	25
Chaplains	24	8
Professors of mathematics	13	6
Chief constructor	...	1
Naval constructors	10	...
Assistant naval constructors	9	...
Civil engineers	10	3
Warrant officers	166	...
Mates	37	...
Naval cadets	296	...
And, in addition to those, on the retired list—		
Boatswains	...	17
Gunners	...	16
Carpenters	...	10
Sailmakers	...	11

By chap. 391 of the laws of 1882, only one-half of the vacancies in the various grades in the line of the Navy should be filled by promotion until such grades should be reduced to the following numbers — viz., rear-admirals, 6; commodores, 10; captains, 45; commanders, 85; lieutenant-commanders, 74; lieutenants, 250; junior lieutenants, 75; ensigns, 75; and thereafter promotions to all vacancies should be made, but not increase these numbers. In like manner, the active list of the medical corps should be reduced to and kept at 15 medical directors, 15 medical inspectors, 50 surgeons, and 90 assistant and passed assistant surgeons; likewise the active list of the pay corps should be 13 pay directors, 13 pay inspectors, 40 paymasters, 20 passed assistant paymasters, and 10 assistant paymasters; likewise, the engineer corps should be 10 chief engineers with the relative rank of captain, 15 chief engineers with the relative rank of commander, 45 chief engineers with the relative rank of lieutenant-commander or lieutenant, 60 passed assistant engineers, and 40 assistant engineers, with the relative rank as then fixed by law.

By chap. 849 of the laws of 1886, the President was authorised to have constructed of steel, of domestic manufacture, having a tensile strength of not less than 60,000 lb. per square inch, and an elongation in 8 inches of not less than 25 per centum—

1. Two sea-going double-bottomed

armoured vessels of about 6000 tons displacement, designed for a speed of at least 16 knots an hour, to have each a complete torpedo outfit and be armed in the most effective manner.

2. One protected double-bottomed cruiser of not less than 3500 nor more than 5000 tons displacement, designed to have the highest practicable speed.

3. One first-class torpedo-boat; and to complete the double-turreted monitors Puritan, Amphitrite, Monadnock, and Terror. "The engines, boilers, and machinery of all the new vessels . . . shall be of domestic manufacture," and "the armour used in constructing said armoured vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture." The Secretary of the Navy was also authorised to contract with the Pneumatic Dynamite Gun Company of New York for—

4. One dynamite gun cruiser of not less than 230 feet long, 26 feet breadth of beam, 7½ feet draught, 3200 horse-power, and guaranteed to attain a speed of 20 knots an hour, and to be equipped with three pneumatic dynamite guns of 10½ inches calibre, and guaranteed to throw shells containing 200 lb. of dynamite or other high explosives at least one mile, each gun to be capable of being discharged once in two minutes.

In 1883 the three steel cruisers Chicago, Boston, and Atlanta, and despatch-boat Dolphin, were authorised to be constructed, and work was stopped on the double-turreted monitors Monadnock, Terror, Amphitrite, and Puritan. In 1884 a sum of $50,000 was appropriated for completing the Mohican at the Mare Island navy-yard, and "for care and safe-keeping of the ironclad monitors now in the hands of the contractors, when they shall have been turned over to the Government by said contractors, $5000." In 1885 the President was enabled "to strengthen the naval establishment of the United States by additional vessels of the best and most modern design, having the highest attainable speed," by the appropriation of $1,895,000 for the construction of two cruisers of not less than 3000 nor more than 5000 tons displacement, one heavily armed gunboat of about 1600 tons displacement, and one light gunboat of about 800 tons displacement. But the strength of the United States Navy does not increase much from year to year, as vessels are continually being sold, broken up, or retired for other purposes.

In 1885 the United States Navy consisted of 41 naval steam-vessels—all screw-propellers except four—besides 12 wooden sailing vessels, 19 ironclad vessels, 2 torpedo-rams, and 13 tugs—total, 87 vessels, 514 guns. Not many of the vessels were efficient for service.

The vessels of the United States Navy are divided into four classes, and are commanded as nearly as may be as follows: first-rates by commodores, second-rates by captains, third-rates by commanders, fourth-rates by lieutenant-commanders. Steamships of 40 guns or more are classed as first-rates, those of 20 guns and under 40 guns as second-rates, and those of less than 20 guns as third-rates. Vessels of the Navy are named by the Secretary of the Navy, under the direction of the President, according to the following rule: sailing-vessels of the first class are named after the states of the Union, those of the second class after the rivers, those of the third class after the principal cities and towns, and those of the fourth class as the President may direct. The President is authorised to keep in actual service in the time of peace such of the public armed

vessels as in his opinion are required by the nature of the service, and to cause the residue thereof to be laid up in ordinary in convenient ports. Those in actual service are officered and manned as the President directs, but commanded according to class-rating as stated.

During war rear-admirals are selected from those officers on the active list, not below the grade of commanders, who have eminently distinguished themselves by courage, skill, and genius in their profession; but no officer is so promoted unless, upon recommendation of the President by name, he has received the thanks of Congress for distinguished service. During peace, vacancies in that grade are filled by regular promotion from the list of commodores, subject to examination according to law. The commanding-officer of any fleet, squadron, or vessel acting singly when upon the high seas, or in any foreign port where there is no resident consul of the United States, is authorised to exercise all the powers of a consul in relation to mariners of the United States. The President may select any officer, not below the grade of commander, on the active list of the Navy, and assign him to the command of a squadron, with the rank and title of "flag officer," and any officer so assigned has the same authority and receives the same obedience from the commanders of ships in his squadron holding commissions of an older date than his that he would be entitled to receive if his commission were the oldest. Lieutenant-commanders may be assigned to duty as first lieutenants of naval stations, as navigation and watch officers on board of vessels of war, and as first lieutenants of vessels not commanded by lieutenant-commanders. Any staff-officer who has performed the duty of a chief of a bureau of the Navy Department for a full term, is thereafter exempt from sea-duty except in time of war. If any officer of the Navy accepts or holds an appointment in the diplomatic or consular service of the Government, he is considered as having resigned his place in the Navy, and it is filled as a vacancy. No officer of the Navy who has been dismissed by the sentence of a court-martial, or suffered to resign in order to escape such dismissal, ever again becomes an officer of the Navy. The Secretary of the Navy has authority to place on furlough any officer on the active list of the Navy.

Any officer of the Navy who has been forty years in the service of the United States may be retired from active service by the President, upon his own application. There is no promotion or increase of pay in the retired list, but the rank and pay of officers on it shall be the same as they are when such officers are retired. Whenever on an inquiry, pursuant to law, concerning the fitness of an officer for promotion, it appears that such officer is unfit to perform at sea the required duties by reason of drunkenness, or from any cause arising from his own misconduct, if the finding of the board be approved by the President, he is not put on the retired list, but discharged with not more than one year's pay. Those below the rank of vice-admiral are, upon attaining sixty years of age, retired by the President; but lieutenant-commanders, lieutenants, masters, ensigns, midshipmen, passed assistant surgeons, passed assistant paymasters, first assistant engineers, assistant surgeons, assistant paymasters, or second assistant engineers are not placed upon the retired list, except on account of physical or mental disability. When the case of any officer has been acted upon by a board of naval surgeons and an examining board for promotion, and

he has not been recommended for promotion by both of these boards, he is placed upon the retired list. Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or whenever, in the judgment of the President, an officer is incapacitated, the President at his discretion may direct the Secretary of the Navy to refer such case to a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be members of the medical corps of the Navy; and this retiring board has such powers of a court-martial and of a court of inquiry as may be necessary. The members are sworn in each case to discharge their duties honestly and impartially. A record of the proceedings and decision of the board is transmitted to the Secretary of the Navy, who lays it before the President for his approval or disapproval or orders in the case. Officers found incapacitated by the result of an incident of the service are, with approval of the President, retired from active service with retired pay; those incapacitated not by the result of an incident of the service are, with approval of the President, retired on furlough pay, or wholly retired with one year's pay. Every officer before being retired is entitled to a full and fair hearing before the retiring board. No officer is placed on the retired list because of misconduct, but he is brought to trial by court-martial for such misconduct. Officers on the retired list are entitled to promotion as their several dates upon the active lists are promoted, but are not employed on active duty except in time of war. Retired officers detailed for the command of squadrons and single ships may be restored to the active list if, upon the recommendation of the President, they receive a vote of thanks of Congress for their services and gallantry in action against the enemy, and not otherwise. All officers of the Navy are credited with the actual time they may have served as officers or enlisted men in the regular or volunteer Army or Navy, or both, and receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous, and in the regular Navy. But this does not authorise any change in the dates of commission, or in the relative rank of such officers.

All appointments in the Medical Corps are made by the President, by and with the advice and consent of the Senate. No person is appointed assistant surgeon until he has been examined and approved by a board of naval surgeons designated by the Secretary of the Navy, nor who is under twenty-one or over twenty-six years of age. No person is appointed surgeon until he has served as an assistant surgeon at least two years on board a public vessel of the United States, nor until he has been examined and approved for such appointment by a board of naval surgeons designated by the Secretary of the Navy. The President may designate among the surgeons in the service, and appoint to every fleet or squadron, an experienced and intelligent surgeon, who is denominated "Surgeon of the Fleet," and is surgeon of the flag-ship. The Surgeon of the Fleet examines and approves all requisitions for medical and hospital stores for the squadron or fleet, and inspects their quality—consulting in difficult cases with the surgeons of the several ships, and making and transmitting to the Navy Department records of the character and treatment of diseases in the squadron or fleet. A surgeon, assistant surgeon, or passed assistant surgeon, is detailed as assistant to the

Bureau of Medicine and Surgery, and receives the highest shore-pay of his grade. The Secretary of the Navy could appoint for temporary service such acting assistant surgeons as the exigencies of the service required, who received the compensation of assistant surgeons, but since 15th February 1879 he cannot appoint any.

All appointments in the pay corps are made by the President, by and with the advice and consent of the Senate. Assistant paymasters must, at date of appointment, be over twenty-one, and not over twenty-six, years of age, and have been examined and approved by a board of paymasters appointed by the Secretary of the Navy, as to their physical, mental, and moral qualifications. Passed assistant paymasters are regularly promoted and commissioned from assistant paymasters, and paymasters from passed assistant paymasters, subject to such examinations as are prescribed by the Secretary of the Navy. The President may designate among the paymasters in the service, and appoint to every fleet or squadron, a paymaster, to be called "Paymaster of the Fleet." Every paymaster, passed assistant, and assistant paymaster, before entering on the duties of his office, has to give bond with one or more sufficient sureties, to be approved by the Secretary of the Navy, for the faithful performance thereof — paymasters in $25,000, passed assistant paymasters, $15,000, assistant paymasters, $10,000,—and when required they have to give new bonds.

The President appoints the engineers of the engineer corps of the Navy, by and with the advice and consent of the Senate. No person under nineteen or over twenty-six years is appointed a second assistant engineer, and no person is appointed or promoted in the engineer corps until he has been found qualified by a board of competent engineers and medical officers designated by the Secretary of the Navy, and has complied with existing regulations. The President may designate among the chief engineers in the service, and appoint to every fleet or squadron, an engineer, to be denominated "Engineer of the Fleet." Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be appointed by the President and confirmed by the Senate as second assistant engineers.

Chaplains not less than twenty-one nor more than thirty-five years at date of appointment are appointed by the President, with the advice and consent of the Senate, for the public armed vessels of the United States in actual service. They are permitted to conduct public worship according to the manner and forms of the Church of which each may be a member. They report annually to the Secretary of the Navy the official services performed by them.

The professors of mathematics who have rank and pay as officers of the Navy are appointed and commissioned by the President, by and with the advice and consent of the Senate, and perform such duties as may be assigned to them by order of the Secretary of the Navy, at the Naval Academy, the Naval Observatory, and on board ships of war, in instructing the midshipmen of the Navy, or otherwise. They have to pass a physical examination before a board of naval surgeons, and a professional examination before a board of professors of mathematics in the Navy.

Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Acad-

emy may, upon the recommendation of the academic board, be immediately appointed as assistant naval constructors. Naval constructors may be required to perform duty at any navy-yard or other station.

The President may appoint for the vessels in actual service as many boatswains, gunners, carpenters, and sailmakers as may, in his opinion, be necessary and proper, who are known and entered upon the Naval Register as "warrant officers in the naval service of the United States." Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers upon the recommendation of their commanding officer, approved by the flag-officer and Secretary of the Navy, and upon such recommendation receive a gratuity of $100 and a medal of honour, to be prepared under the direction of the Navy Department.

Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years; but such rating, or his appointment as a warrant officer, does not discharge him from his enlistment. All officers not holding commissions or warrants, or who are not entitled to them, except those who are temporarily appointed to do the duties, and except secretaries and clerks, are deemed petty officers, and are entitled to obedience in the execution of their offices from persons of inferior ratings. Storekeepers are required to give a bond in such amount as may be fixed by the Secretary of the Navy for the faithful performance of duty.

The enlisted men include seamen, ordinary seamen, landsmen, mechanics, firemen, coalheavers, apprentices, and boys, and the number is from time to time regulated by the United States laws. Boys between the ages of fourteen and eighteen years may, with the consent of their parents or guardians, be enlisted to serve in the Navy until they reach twenty-one years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President. No minor under fourteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States, shall be enlisted in the naval service. Any person enlisted in the military service of the United States may, on application to the Navy Department, approved by the President, be transferred to the Navy or Marine Corps, to serve therein the residue of the term of his enlistment, subject to the laws and regulations for the government of the Navy. Honourable discharges, in a form prescribed by the Secretary of the Navy, may be granted to seamen, ordinary seamen, landsmen, firemen, coalheavers, and boys who have enlisted for three years.

The relative rank between officers of the Navy, whether on the active or retired list, and officers of the Army, is as follows, lineal rank only being considered:—

The vice-admiral ranks with the lieutenant-general.
Rear-admirals with major-generals.
Commodores with brigadier-generals.
Captains with colonels.
Commanders with lieutenant-colonels.
Lieutenant-commanders with majors.
Lieutenants with captains.
Junior lieutenants with first lieutenants.
Ensigns with second lieutenants.

Line officers take rank in each grade according to the dates of their commissions. Commanding officers of vessels of war and of naval stations take precedence over all officers placed

under their command. The Secretary of the Navy may, in his discretion, detail a line officer to act as the aid or executive of the commanding officer of a vessel of war or naval station, who is, when not impracticable, next in rank to the commanding officer, and who, while executing the orders of the commanding officer on board the vessel or at the station, takes precedence over all officers attached to the vessel or station, the orders of such aid or executive being regarded as proceeding from the commanding officer, he having no independent authority because of his detail. Staff officers senior to this detailed officer have the right to communicate directly with the commanding officer.

The chiefs of the Bureau of Medicine and Surgery, Provisions and Clothing, Steam Engineering, and Construction and Repair, have the relative rank of commodore while holding such position, and have respectively the title of surgeon-general, paymaster-general, engineer-in-chief, and chief constructor. When they retire by reason of age or length of service, they have the relative rank of commodore.

Officers of the medical corps on the active list of the Navy have relative rank as follows :—

Medical directors, the relative rank of captain.

Medical inspectors, of commander.

Surgeons, of lieutenant-commander or lieutenant.

Passed assistant surgeons, of lieutenant or junior lieutenant.

Assistant surgeons, of junior lieutenant or ensign.

Officers of the pay corps on the active list have the following relative rank :—

Pay directors rank as captain.

Pay inspectors, as commander.

Paymasters, as lieutenant-commander or lieutenant.

Passed assistant paymasters, as lieutenant or junior lieutenant.

Assistant paymasters, as junior lieutenant or ensign.

Officers of the engineer corps on the active list have relative rank thus :—

Of the chief engineers, 10 rank as captains, 15 as commanders, and 45 as lieutenant-commanders or lieutenants.

Passed assistant engineers, as lieutenants or junior lieutenants.

Assistant engineers, as junior-lieutenants or ensigns.

Of the naval constructors, 2 have the relative rank of captain, 3 of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors have the relative rank of lieutenant or junior lieutenant.

Civil engineers have such relative rank as the President fixes.

Chaplains rank thus : 4 as captain, 7 as commander, and not more than 7 as lieutenant-commander or lieutenant.

Professors of mathematics rank thus : 3 as captain, 4 as commander, and 5 as lieutenant-commander or lieutenant.

The grades established in the six preceding sections for the staff corps of the Navy are filled by appointment from the highest members of each corps according to seniority. Officers of the medical, pay, and engineer corps, chaplains, professors of mathematics, and constructors, who have served faithfully for forty-five years, have, when retired, the relative rank of commodore ; and such officers of these several corps who are retired at sixty-two years of age before having served forty-five years, have also that relative rank. Staff officers who are retired for causes incident to the service before the age of sixty-two years, have the same rank on the retired list as pertained to their position on the

active list. Graduates of the Naval Academy take rank according to their proficiency, as shown by their order of merit at the date of graduation. Engineer officers graduated at the Naval Academy take precedence with all other officers with whom they have relative rank, according to actual length of service in the Navy. Officers of the staff corps take precedence in their several corps, and in their several grades, and with officers of the line with whom they have relative rank, according to their length of service in the Navy. In estimating such length of service, precedence is taken by staff officers in their several grades, and with those line officers with whom they hold relative rank who have been in the naval service six years longer than they have been; and officers who have been advanced or lost numbers on the Navy Register are considered as having gained or lost length of service accordingly, but this does not give to any officer of the staff corps precedence of, or a higher relative rank than that of, another staff officer in the same grade and corps, whose commission antedates that of such officer. No staff officer has any additional right to quarters because of his relative rank or precedence, and the relative rank of medical, pay, and engineer corps officers confers no authority to exercise military command. In processions on shore, or courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, line and staff officers take precedence according to rank. Ensigns are steerage officers, unless assigned to duty as watch and division officers. The President may, if he deems it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sailmakers, thus: after five years' service to rank with ensigns, and after ten years' service to rank with junior lieutenants. The officers of the revenue cutter service, when serving in accordance with law as a part of the Navy, have relative rank thus: captains, with and next after lieutenants commanding in the Navy; first lieutenants, with and next after lieutenants in the Navy; second lieutenants, with and next after junior lieutenants in the Navy; third lieutenants, with and next after ensigns in the Navy.

No officer is promoted to a higher grade on the active list of the Navy until he has been examined by a board of naval surgeons, and pronounced physically qualified to perform all his duties at sea; but any officer otherwise regularly entitled to promotion whom such board reports disqualified by wounds received in the line of his duty, but not incapacitated for other duties in the grade, may be promoted. No line officer below the grade of commodore, and no officer not of the line, is promoted to a higher grade on the active list until his mental, moral, and professional fitness to perform all the duties at sea have been established to the satisfaction of a board of examining officers appointed by the President — and in time of peace, commodores have likewise to pass this board, which consists of not less than three officers senior in rank to the officer to be examined. The statement on oath of such officer if made, and the testimony of the witnesses (who are sworn), and his examination, are recorded. The whole record and finding, &c., are presented to the President for his approval or disapproval of the finding. Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced not exceeding thirty numbers in rank for eminent and conspicuous conduct in battle or extraordinary heroism. Any line officer, whether of volunteers or of the regular Navy, may be advanced one

grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession, and the rank of officers is not changed, except in accordance with the provisions of existing laws, and by and with the advice and consent of the Senate. A vote of thanks by Congress to any officer of the Navy is held to affect such officer only; and whenever, as an incident thereof, an officer who would otherwise be retired is retained on the active list, such retention does not interfere with the regular promotion of others who would otherwise be entitled by law to promotion; and the death, &c., of such promoted officer who has received a vote of thanks, does not create a vacancy to be filled, unless the number of officers left in the grade is less than the number authorised by law.

No patented article connected with marine engines is purchased or used in connection with any steam-vessel of war, until it has been submitted to a competent board of naval engineers, and recommended by such board in writing for purchase and use. No more than $3000 is expended in any navy-yard in repairing the hull and spars of any vessel, until an examining board, composed of one captain or commander in the Navy, designated by the Secretary of the Navy, the naval constructor of the navy-yard where the vessel is ordered for repairs, and two master workmen of said yard, designated by the Bureau of Construction and Repair, or one master workman and an engineer of the Navy, according to the nature of the repairs to be made, have reported to the Navy Department as to the necessity and expediency, and the probable cost, of such repairs. Not more than $1000 is expended in repairs on the sails and rigging of any vessel until the necessity and expediency of such repairs, and the estimated cost, have been ascertained and reported to the Navy Department by an examining board, composed of one naval officer designated by the Secretary of the Navy, and the master rigger and the master sailmaker of the yard where such vessel may be ordered. The President may direct the sale of any armed vessel when unfit to be repaired, and the Secretary of the Navy can sell at public sale such vessels and materials of the United States Navy he deems cannot be advantageously used, repaired, or fitted out, making a full report to Congress of such sales at the opening of each session. The President may select the commandants of the several navy-yards from officers not below the grade of commander. The master mechanics, master carpenters, master joiners, master blacksmiths, master boilermakers, master sailmakers, master plumbers, master painters, master caulkers, master masons, master boatbuilders, master sparmakers, master blockmakers, master labourers, and the superintendents of rope-walks, are men skilled in their several duties, and appointed from civil life, and are not appointed from the officers of the Navy. Salaries are not to be paid to any employees, except those who are designated in the estimates. All other persons receive a per diem compensation. No officer or employee of the Government (according to law) shall require or request any working man in any navy-yard to contribute or pay any money for political purposes, nor shall any working man be removed or discharged for political opinion. And officers or employees offending in this respect shall be dismissed from the United States service. All flags,

standards, and colours taken by the Navy from enemies, are delivered to the President for the purpose of being, under his direction, preserved and displayed in such public place as he may deem proper.

The pay of officers, &c., of the Navy is as follows, viz. :—

		At Sea.	On Shore Duty.	On Leave or Waiting Orders.
Admiral	$13,000	...	...	...
Vice-admiral		$9000	$8000	$6000
Rear-admiral		6000	5000	4000
Commodore		5000	4000	3000
Captain		4500	3500	2800
Commander		3500	3000	2300
Lieutenant-commander—				
First four years from date of commission		2800	2400	2000
Afterwards		3000	2600	2200
Lieutenants—				
First five years from date of commission		2400	2000	1600
Afterwards		2600	2200	1800
Junior lieutenants—				
First five years from date of commission		1800	1500	1200
Afterwards		2000	1700	1400
Ensigns—				
First five years from date of commission		1200	1000	800
Afterwards		1400	1200	1000
Ensigns—junior grade		1000	800	600
Naval cadets	$500	950	500	500
During period at sea in practice-ship, not exceeding	$950	...	...	...
Mates		900	700	500
Fleet-surgeons, fleet-paymasters, and fleet-engineers	$4100	...	...	...
Medical directors, medical inspectors, pay directors, pay inspectors, and chief engineer of like rank	...	4400	...	...
When not at sea, the same as surgeons, &c.				
Surgeons, paymasters, chief engineers of like rank—				
First five years from date of commission		2800	2400	2000
Second " " "		3200	2800	2400
Third " " "		3500	3200	2600
Fourth " " "		3700	3600	2800
After twenty years		4200	4000	3000
Passed assistant surgeon, passed assistant paymasters, and first assistant engineers—				
First five years		2000	1800	1500
Afterwards		2200	2000	1700
Assistant surgeons, assistant paymasters, and second assistant engineers—				
First five years		1700	1400	1000
Afterwards		1900	1600	1200

Naval constructors during the first five years get when on duty $3200, on leave, &c., $2200; during the second five years, $3400 and $2400; during the third five years, $3700 and $2700; during the fourth five years, $4000 and $3000; and afterwards, $4200 and 3200 respectively. Assistant naval constructors get during the first four years when on duty $2000, on leave, &c., $1500; during the second four years, $2200 and $1700; after eight years, $2600 and $1900 respectively. Chaplains get

during the first five years when at sea $2500, on shore-duty $2000, on leave, &c., $1600; afterwards, $2800, $2300, and $1900 respectively. Professors of mathematics and civil engineers get during the first five years when on duty $2400, on leave $1500; during the second five years, $2700 and $1800; during the third five years, $3000 and $2000; and after fifteen years, $3500 and $2600 respectively.

All officers are entitled to one ration, or to commutation therefor (in all cases deemed to be 30 cents), while at sea or attached to a sea-going vessel. Officers on the retired list get no rations.

Boatswains, gunners, carpenters, and sailmakers get during the first three years when at sea $1200, on shore-duty $900, on leave, &c., $700; second three years, $1300, $1000, and $800; third three years, $1400, $1300, $900; fourth three years, $1600, $1300, and $1000; after twelve years, $1800, $1600, and $1200 respectively.

Retired officers, when not on active service, are paid equal to 75 per cent of the sea-pay of their grade at the time of retirement, after forty-five years' service after reaching the age of sixteen years, or forty years' service upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein: all other retired officers, when not on active service, are paid equal to one-half the sea-pay. Officers on the retired list on furlough-pay receive only one-half of the pay received if on leave of absence on the active list.

The pay allowed to petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal-heavers in the naval service, are fixed by the President, provided that the whole sum given for the whole pay aforesaid, and for the pay of officers, and for the said bounties, does not exceed for any one year the amount appropriated for such purposes in such year. Every seaman or landsman performing the duty of a fireman or coalheaver on board of any vessel of war gets 33 cents extra pay while so employed.

UNITED STATES NAVAL ACADEMY.

The United States Naval Academy is at Annapolis, in the State of Maryland. The students were formerly styled cadet midshipmen, but are now known as naval cadets. The number allowed is one for every member or delegate of the House of Representatives, one for the District of Columbia, and ten appointed at large, the President selecting for appointment the candidates in the District of Columbia and those at large. Each member and delegate nominates in writing, as a vacancy occurs, the candidate in his district, and failing his so nominating within a certain time, the Secretary of the Navy fills the vacancy. All candidates for admission are examined according to such regulations, and at such stated times, as the Secretary of the Navy prescribes. Those rejected have the privilege of another examination if recommended by the board. The member or delegate who has nominated a candidate physically or mentally disqualified is notified to recommend another candidate. The candidates for congressional districts, for territories, and for the District of

Columbia, must be actual residents of the districts or territories respectively from which they are nominated, and must, at the time of their examination for admission, be between the ages of fourteen and eighteen years, and physically sound, well formed, and of robust constitution. Naval cadets found deficient at any examination are not continued at the academy or in the service, unless upon the recommendation of the academic board. The storekeeper at the academy is detailed from the paymaster's corps, and has authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the naval cadets and cadet engineers in the same manner as supplies are furnished to the Navy, to be issued under such regulations as the Secretary of the Navy may prescribe.

The academic course of naval cadets is six years. Those who have successfully passed the graduating examination at the academy take rank according to their proficiency as shown by the order of their merit; and may be appointed to fill vacancies in the lower grades of the line and engineer corps of the Navy and of the marine corps. These appointments are made from the graduates of the year in the order of merit, the assignments to the various corps being made by the Secretary of the Navy upon the recommendation of the academic board. At least ten such appointments are to be made in each year. If there be a surplus of graduates, those who do not receive appointments are given a certificate of graduation, an honourable discharge, and one year's pay of an ensign. The pay of a naval cadet during such period of his course of instruction as is at sea in other than practice ships, is not over $950 per annum; on shore it is $500 per annum. Any naval cadet whose position in his class entitles him to be retained in the service, may, upon his own application, be honourably discharged at the end of four years' course at the Naval Academy, with a proper certificate of graduation. The Secretary of the Navy may prescribe a special course of study and training, at home or abroad, for any naval cadet. He also arranges the course of studies, and the order of recitations at the Naval Academy, so that the students are not required to pursue their studies on Sunday.

The Secretary of the Navy is authorised to make provision, by regulations issued by him, for educating at the Naval Academy, as naval constructors or steam engineers, such naval cadets and others as show a peculiar aptitude therefor, and for this purpose form a separate class at the academy, styled "cadet engineers," or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for said purposes. Cadet engineers are appointed annually by the Secretary of the Navy, and the number appointed each year is not to exceed twenty-five. Their course is four years, including two years of service on naval steamers. They are examined from time to time according to regulations prescribed by the Secretary of the Navy, and if found deficient at any examination, or if dismissed for misconduct, are not continued in the academy or in the service except upon the recommendation of the academic board.

Every year there is appointed a board of visitors to attend the annual examination of the academy. Seven persons are appointed by the President, and two senators and three members of the House of Representatives are designated by the Vice-

President or President *pro tempore* of the Senate, and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination. Each member of this board receives not over eight cents per mile travelled by the most direct route from his residence to Annapolis, and the same from Annapolis to his residence on returning.

By law the nature of alcoholic drinks and narcotics, and special instructions as to their effects upon the human system in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the Naval Academy. The same provisions of this law of 1886 apply to the Military Academy, as more fully treated of in the account of that academy.

The 1886-87 appropriations provided for 2 professors—namely, one of mathematics and one of physics, with salaries of $2500; 3 professors (assistants)—namely, one of chemistry, one of Spanish and French, and one of English studies, history, and law, at $2200 each; 5 assistant-professors —namely, one of English studies, history, and law, three of French, and one of drawing, at $1800 each; sword-master, $1500, and two assistants at $1000 each; boxing-master and gymnast at $1200; assistant-librarian at $1400; secretary of the Naval Academy, $1800; 3 clerks to superintendent at $1200, $1000, and $800 respectively; 1 clerk to commandant of cadets, $1200; 1 clerk to paymaster, $1000; 1 dentist, $1600; 1 baker, $600; 1 mechanic in department of physics and chemistry, $730; 1 cook, $325.50; 1 messenger to superintendent, $600; 1 gunner's-mate, $469.50, and 1 quarter-gunner, $409.50; 1 cockswain, $469.50; 1 seaman in the department of seamanship, $349.50; one attendant in the department of astronomy, and 1 in the department of physics and chemistry, $300 each; 6 attendants at recitation-rooms, library, store, chapel, and offices, $300 each; 1 bandmaster, $528; 21 first-class musicians at $348 each; 7 second-class musicians, $300 each —in all, $52,119. For the special course of study and training authorised, $5000. There were items for the captain of the watch, at $2.50 per day; 4 watchmen at $2 each; and for a staff of mechanics and labourers, and "twenty servants to keep in order and attend to quarters of naval cadets and public buildings, at $25 per month each — in all, $44,122.45." There were other items for employees in the department of steam engineering—1 master-machinist at $4 per day; 1 boiler-maker and 1 pattern-maker at $3.50 each; 2 machinists and 1 blacksmith at $2.50 each; and 4 labourers at $1.50 each — in all, $7851; and several other sums, among them items for headstones for the graves of 60 sailors and marines buried in the naval cemetery, who lost their lives by being wrecked in the United States steamer Huron, $500. And $50,000 for commencing the erection of the New Naval Observatory on the site purchased under the Act of Congress approved February 4, 1880; provided that the construction of no building should be commenced except an observatory proper, with necessary offices for observers and computers.

THE MARINE CORPS.

According to the 1886-87 appropriation Act the *active* list of officers of the United States Marine Corps consists of 1 colonel commandant, 2 lieutenant-colonels, 1 adjutant and inspector, 1 paymaster, 1 quartermaster, 4 majors, 2 assistant quartermasters, 1 judge-advocate-general United States Navy, 19 captains, 30 first lieutenants, and 19 second lieutenants; and the *retired* list of 1 colonel, 1 quartermaster, 3 majors, 2 assistant quartermasters, 4 captains, 1 first lieutenant, and 3 second lieutenants. The sum appropriated for the pay of those on the active list was $181,265, and of those on the retired list, $31,290. The sum of $389,052 was appropriated for the pay of 1 sergeant-major, 1 quartermaster-sergeant, 1 leader of the band, 1 drum-major, 50 first sergeants, 140 sergeants, 180 corporals, 30 musicians, 96 drummers and fifers, and 1500 privates. The civil force consists of 10 clerks and 2 messengers, at a cost of $16,035. There are barracks at Portsmouth, New Hampshire; Boston, Massachusetts; Brooklyn, New York; League Island, Pennsylvania; Annapolis, Maryland; headquarters and navy-yards at Washington, District of Columbia; Gosport, Virginia; Mare Island, California; Pensacola, Florida. The offices of the assistant quartermasters are at Philadelphia, Pennsylvania; and San Francisco, California.

An officer may be advanced to a higher grade for distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession, but not exceeding thirty numbers in rank. The staff of the Marine Corps is separated from the line. No person under twenty or over twenty-five years of age is appointed from civil life as a commissioned officer, nor is any person so appointed until his qualifications for the service have been examined and approved under the directions of the Secretary of the Navy. All marine officers are credited with the length of time they may have been employed as officers or enlisted men in the Volunteer service of the United States. Enlistments into the Marine Corps are for a period not less than five years; and, while enlisted, marines are exempt from all personal arrest for debt or contract. The pay and allowances of the officers, and the bounty for re-enlisting of the enlisted men, are the same as those of officers and enlisted men of like grades in the infantry of the Army. The marines composing the corps of musicians known as the "Marine Band" receive at the rate of $4 a-month in addition to their pay as non-commissioned officers, musicians, or privates of the Marine Corps, so long as they perform by order of the Secretary of the Navy or other superior officer on the Capitol grounds or the President's grounds. 20 cents per month are deducted from the pay of officers and enlisted men for Navy hospitals. The non-commissioned officers, privates, and musicians receive one Navy ration daily. The corps is liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore as the President at his discretion may direct. The corps is at all times subject to the laws and regulations established for the government of the Navy, except when detached for service with the Army by order of the President, and then it is subject to the rules and Articles of War prescribed for the government of the Army.

VOLUNTEER NAVY.

The Volunteer Navy was abolished by the Act of February 15, 1879, which made it the duty of the Secretary of the Navy to organise a board of five line officers of the Navy, none of whom should be below the grade of captain, to make an examination of the line officers then composing the Volunteer Navy of the United States, similar to that required in the examination of officers for promotion; and to organise a board of five medical officers of the Navy to make an examination of the 18 acting and 3 acting passed assistant surgeons then in the service, should they desire to present themselves, which should be such as is required in the examination of medical officers for admission as assistant surgeons. In all cases where the board found that such officers were professionally, morally, and physically qualified to perform the duties of their position, and so reported to the Secretary of the Navy, the President of the United States could, by and with the advice and consent of the Senate, appoint such officers in the line and assistant surgeons in the regular Navy of the United States; while those not qualified were mustered out of the service of the Government, within six months from the passage of the Act, with one year's pay. In the event of physical disqualification which occurred in the line of duty, officers were, upon the recommendation of a retiring board, placed upon the retired list, with the pay to officers of like designation in the regular Navy.

PENSIONS.

The liberality with which pensions have been granted by Congress has been perhaps excessive and much abused. It may be that politicians have made political capital, and pension agents, &c., large profits. The appropriations for the fiscal year 1886-87 contain the following items for Army and Navy pensions, viz.:—

1. For invalids, widows, minor children, and dependent relatives, and survivors and widows of the war of 1812, $75,000,000; provided that the appropriations for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose; and provided further that the amount expended upon each of the above items shall be accounted for separately.

2. For fees and expenses of examining surgeons, $821,000.

3. For the salaries of 18 agents for the payment of pensions at $4000 each, $72,000.

4. For clerk-hire, rents, fuel, lights, postages, stationery, and other necessary expenses to be approved by the Secretary of the Interior, $9000—in all, $182,200.

Pension Office.

5. Pay of commissioner, deputy commissioner, second deputy commissioner, chief clerk, assistant chief clerk, medical referee, assistant medical referee, 2 qualified surgeons, 18 medical examiners, 12 chiefs of division, law clerk, 45 principal examiners for Review Board, 24 assistant chiefs of division, 3 stenographers, 74 clerks of class four, 95 clerks of class three, 372 clerks of class two, 361 clerks of class one, 200 clerks, 1 superintendent of buildings, 2 engin-

eers, 85 copyists, 25 messengers, 20 messenger-boys, 1 captain of the watch, 3 sergeants of the watch, 20 watchmen, 3 firemen, 25 labourers, and 5 charwomen at $400 each—in all, $1,808,750.

6. Per diem, &c., special examiners, $320,000.

7. Additional force of 150 special examiners, $210,000. No person so appointed shall be employed in the state from which he is appointed.

8. For per diem in lieu of subsistence for said 150 special examiners while travelling on duty, $190,000.

The rate of pension for widows, minor children, and dependent relatives is $12 per month, as fixed by the laws of 1886, chap. 22, which did not affect the then existing allowance of $2 per month for each child under the age of sixteen years. This Act applies only to widows who were married to the deceased soldier or sailor prior to its passage, and to those who might marry prior to or during the service of the soldier or sailor.

The laws of 1886, chap. 899, provide that all persons who, while in the military or naval service of the United States, and in the line of duty, have lost one hand or one foot or been totally disabled in the same, shall receive a pension of $30 a-month; those who in like manner have lost either an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, $36 per month; those who in like manner have lost either an arm at the shoulder-joint, or a leg at the hip-joint, or so near the joint as to prevent the use of an artificial limb, $45 per month. Soldiers and sailors who have lost either both hands or both feet, or the sight of both eyes, in the service of the United States, or become totally blind from causes occurring in the service of the United States, receive the sum of $72 per month. For total disability or a permanent specific disability, there is special provision; and for inferior disability not specially provided for, $18 per month, or a sum less than that. Disease contracted in the line of duty entitles to pension if its effects are permanent. The laws of 1878, chap. 28, directed the Secretary of the Interior to place on the pension rolls the names of the surviving officers and enlisted and drafted men, without regard to colour, including militia and volunteers of the military and naval service of the United States, who served for fourteen days in the war with Great Britain of 1812, or who were in any engagement and were honourably discharged, and the surviving widows of such officers and enlisted and drafted men. It is needless to follow the several expansions of the pension rolls to their present magnitude.

THE SOLDIERS' HOME.

All soldiers of the United States Army who have contributed to the support of the Soldiers' Home, and the invalid and disabled soldiers, whether regulars or volunteers, of the war of 1812, and of all subsequent wars, are, under certain restrictions and provisions, members of the Soldiers' Home, with all the rights annexed thereto. The commissary-general of subsistence, the surgeon-general, and the adjutant-general constitute a board of commissioners, two being a quorum, whose duty it is to examine and audit the accounts of the treasurer quarter-yearly, and to visit and inspect the Soldiers' Home at least once in every month. The majority have power to establish, from time to time, regulations for the

general and internal direction of the institution, to be submitted to the Secretary of War for approval; and may do any other acts necessary for the government and interests of the same as authorised by law. The officers of the Soldiers' Home consist of a governor, a deputy-governor, and a secretary for each separate site of the Home, the latter to be also treasurer. These officers are taken from the army, and appointed or removed, from time to time, as the interests of the institution may require, by the Secretary of War, on the recommendation of the board of commissioners. For the support of the Soldiers' Home the following funds are set apart and appropriated: all stoppages or dues adjudged against soldiers by sentence of courts-martial, over and above any amount that may be due for the reimbursement of Government or of individuals; all forfeitures on account of desertion; and all moneys belonging to the estates of deceased soldiers, which are unclaimed for the period of three years subsequent to their respective deaths, to be repaid by the commissioners of the institution upon the demand of the heirs or legal representatives of the deceased. There is deducted from the pay of every non-commissioned officer, musician, artificer, and private of the United States Army the sum of $12\frac{1}{2}$ cents per month, which is, by the Pay Department of the Army, passed to the credit of the commissioners of the Soldiers' Home. The commissioners also receive all donations of money or property made by any person for the benefit of the institution, and hold the same for its sole and exclusive use. The deduction of $12\frac{1}{2}$ cents per month from the pay of non-commissioned officers, musicians, artificers, and privates of regiments of volunteers, or other corps or regiments raised for a limited period or for temporary purposes, is made only with their consent. The fact that one to whom a pension has been granted for wounds or disability received in the military service has not contributed to the funds of the Soldiers' Home does not preclude him from admission therein. But all such pensioners surrender their pensions to the Soldiers' Home during the time they remain therein and voluntarily receive its benefits. The following persons, members of the Soldiers' Home, and no others, are entitled to the rights and benefits thereof:—

1. Every soldier of the Army of the United States who has served honestly and faithfully twenty years in the same.

2. Every soldier and every discharged soldier, whether regular or volunteer, who has suffered by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability was not occasioned by his own misconduct.

3. The invalid and disabled soldiers, whether regulars or volunteers, of the war of 1812, and of all subsequent wars.

The benefits of the Soldiers' Home are not extended to any soldier in the regular or volunteer service convicted of felony or other disgraceful or infamous crimes of a civil nature after his admission into the service of the United States; nor is any one who has been a deserter, mutineer, or habitual drunkard received, without such evidence of subsequent service, good conduct, and reformation of character as is satisfactory to the commissioners. Any soldier admitted into the Soldiers' Home for disability, who recovers his health so as to become fit again for military service, if under fifty years of age, is discharged. And all persons admitted into the Home are subject to the

rules and Articles of War in the same manner as soldiers in the army.

The Commissioners of the Soldiers' Home, by and with the approval of the President, have, since the Soldiers' Home Act of 1851 was passed, procured at suitable places sites for the Home, having due regard to the health of the locations, facility of access, and economy, and giving preference to such places as, with the most convenience and least cost, would accommodate the persons entitled to its benefit. The Soldiers' Home near Washington, District of Columbia, is a magnificent evidence of the care the United States take of their soldiers.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

By the Act of 1866, the President, Secretary of War, Chief-Justice, and such others as may from time to time be associated with them, constitute a board of managers of an establishment for the care and relief of the disabled volunteers of the United States Army, known as "The National Home for Disabled Volunteer Soldiers," and have perpetual succession, with powers to take, hold, and convey real and personal property, establish a common seal, and to sue and be sued in courts of law and equity; and to make by-laws, rules, and regulations not inconsistent with law for carrying on the business and government of the Home, and to affix penalties thereto. Nine managers of this Home are elected from time to time, as vacancies occur, by joint-resolution of Congress. They must all be citizens of the United States, and all residents of states which furnished organised bodies of soldiers to aid in suppressing the Rebellion commenced in 1861; and no two of them shall be residents of the same state, and no person who gave aid or countenance to the Rebellion shall ever be eligible. The term of office of these managers is six years, and until a successor is elected. The twelve managers elect from their own number a president, who is the chief executive officer of the board, two vice-presidents, and a secretary. Seven of the board, of whom the president or one of the vice-presidents shall be one, form a quorum for board business. No member of the board receives any compensation as such member, but the travelling and other actual expenses of a member, incurred while upon the business of the Home, may be paid, and any member of the board having other duties connected with the Home may receive a reasonable compensation therefor, determined by the board. The officers of the National Home consist of a governor, a deputy-governor, a secretary, and a treasurer, and such other officers as the managers deem necessary, who are appointed from disabled soldiers who served as mentioned below, and may be removed from time to time, as the interests of the institution require, by the board of managers. This board is given authority to procure from time to time, at suitable places, sites for military homes for all persons serving in the United States Army at any time in the war of the Rebellion, not otherwise provided for, who are disqualified for procuring their own support by reason of wounds received or sickness contracted while in the line of their duty during the Rebellion; and to have the necessary buildings erected, having due regard to the health of location, facility of access, and capacity to accommodate the persons entitled to the benefits thereof. On or before the first day of August in each

year the managers furnish to the Secretary of War estimates in detail for the support of the Home for the fiscal year commencing on the first day of July thereafter, and the Secretary annually includes such estimates in his estimates for his department. Monies are drawn upon quarterly requisitions upon the Secretary of War, based upon quarterly estimates. The managers, at the commencement of each quarter of the year, render to the Secretary of War an account of all their receipts and expenditures for the quarter immediately preceding, with the vouchers for the expenditures. The board of managers are authorised to receive all donations of money or property made by any person for the benefit of the Home, and to hold or dispose of the same for its sole and exclusive use. The following persons only are entitled to the benefits of this Home, and may be admitted thereto upon the recommendation of three of the board of managers —namely :

"All officers and soldiers who served in the late war for the suppression of the Rebellion, and the volunteer soldiers and sailors of the war of 1812, and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received or sickness contracted in the line of their duty ; and such of these as have neither wife, child, nor parent dependent upon them, on becoming inmates of this Home, or receiving relief therefrom, shall assign thereto their pensions when required by the board of managers, during the time they shall remain therein or receive its benefits." The managers of the Home are authorised to aid persons who are entitled to its benefits by outdoor relief in such manner and to such extent as they may deem proper ; but such relief shall not exceed the average cost of maintaining an inmate of the Home. All inmates of the Home are subject to the rules and Articles of War, and in the same manner as if they were in the Army. Congress may at any time alter, amend, or repeal the laws relating to the Home. The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton in Ohio, and to the branches at Augusta in Maine, Milwaukee in Wisconsin, Hampton in Virginia, and the Soldier's Home at Knightstown Springs, near Knightstown in Indiana, each one copy of each of the following documents— the Journals of each House of Congress at each and every session ; all laws of Congress ; the annual messages of the President, with accompanying documents, the ' Daily Congressional Record,' and all other documents or books which may be printed and bound by order of either House of Congress. The board of managers examines and audits the accounts of the Treasurer, and visits the Home quarterly, and submits annually a detailed statement of the expenses of the board to the Secretary of War, who submits it to Congress at the beginning of each session thereof.

GOVERNMENT HOSPITAL FOR THE INSANE.

There is in the District of Columbia a Government Hospital for the Insane, and its objects are the most humane and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia. The chief executive officer is a superintendent, appointed by the Secretary of the Interior, and he must be a well-edu-

cated physician, possessing competent experience in the care and treatment of the insane, and shall reside on the premises, and devote his whole time to the welfare of the institution. Subject to the approval of the visitors who are appointed by the President, and are citizens of the District of Columbia, he manages the affairs of the institution. These visitors, nine in number, hold their office, which is honorary and without compensation, for three years, and annually select one of their number to be their president. Subject to the approval of the Secretary of the Interior, this board of visitors make any needful by-laws not inconsistent with law, and visit the hospital at stated intervals. They make annually to the Secretary of the Interior a report for the preceding fiscal year, setting forth the condition and wants of the institution.

The superintendent, upon the order of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Treasury, receives and keeps in custody, until they are cured or removed by the same authority which ordered their reception, insane persons of the following descriptions :—

1. Insane persons belonging to the Army, Navy, marine corps, and revenue cutter service.

2. Civilians employed in the quartermaster's and subsistence departments of the Army, who may be insane while in such employment.

3. Men who, while in the service of the United States, in the Army, Navy, or marine corps, have been admitted to the hospital, and been discharged on the supposition that they had recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge, and have no adequate means of support.

4. Indigent insane persons who have been in either of the said services and been discharged therefrom on account of disability arising from such insanity.

5. Indigent insane persons who have become insane within three years after their discharge from such service, from causes which arose during, and were produced by, said service.

All indigent insane persons residing in the District of Columbia at the time they became insane are entitled to the benefits of this hospital, and are admitted on the authority of the Secretary of the Interior, which he may grant after due process of law showing the person to be insane and unable to support himself and family, or himself if he has no family, under the visitation of insanity. The Secretary of the Interior may grant an order for the admission of any insane person not charged with a breach of the peace, when he receives the certificate of any justice of the peace of the district, and an application in writing by a member of the board of visitors, requesting that such order be issued. It must appear by this certificate that two respectable physicians, residents of the district, appeared before the judge or justice, and deposed in writing, sworn to and subscribed by them, that they know the person alleged to be insane; that from personal examination they believe such person to be in fact insane and a fit subject for treatment in said hospital; and that said person was a resident of the district at the time he or she was seized with the mental disorder under which he or she then laboured. And it must further appear by the certificate that two respectable householders, residents of the district, appeared before the judge or justice and deposed in writing, sworn to and subscribed by them, that they

knew the person alleged to be insane, and that from a personal examination of his or her affairs, they believed such person to be unable, under the visitation of insanity, to support himself or herself and family, in case such person have a family, or to support himself or herself alone, in case such person have no family, and unable to pay his or her board and other expenses in the hospital. The affidavit of the physicians and householders shall accompany the certificate of the judge or justice of the peace. The application by a member of the board of visitors must be made within five days after the date of the affidavits, and it must appear therein that the visitor had inspected the affidavits and certificate. It is the duty of such visitor to withhold his application, if he has reason to doubt the indigence of the party in whose behalf the application is desired, until his doubt is removed by satisfactory testimony. The order of the Secretary of the Interior, granted upon the certificate of a judge or justice and the application of a member of the board of visitors, authorises any public officer or constable to assist in carrying such indigent insane person to the hospital whenever such assistance is represented to be necessary by the person holding the order; but all the expenses of witnesses before the judge or justice of the peace, and of carrying the patient to the hospital, are borne by his friends or by the local authorities of the district.

Whenever it appears in the case of any insane person whose insanity commenced while he was a resident of the District of Columbia, that he is able to defray a portion, but not the whole, of the expenses of his support and treatment in the Government Hospital for the Insane, the board of visitors is authorised to inquire into the facts of the case; and if it appears to the board upon such inquiry that the insane person has property and no family, or has more property than is required for the support of his family, then, as a condition upon which the insane person, admitted upon the order of the Secretary of the Interior, shall receive or continue to receive the benefits of the hospital, there shall be paid to the superintendent from the income, property, or estate of such insane person, such portion of his expenses in the hospital as a majority of the board shall determine to be just and reasonable under the circumstances. Any indigent person who did not reside in the district at the time he became insane may, in like manner, upon the certificate of a judge or justice, and the application of a member of the board of visitors, be admitted into the hospital upon the application of the governor of the district, and at the expense of the district during the continuance of such insane person therein, it being designed to give the superintendent thereof authority to take charge of such insane person until the governor can discover who his friends are, or whence he came, with a view to the return of such person to his friends, or to the place of his residence, and thus relieve the district of the expense and charge of such indigent insane non-resident. If any person charged with crime is found, in the court before which he is so charged, to be insane, the court certifies the same to the Secretary of the Interior, who may order such person to be confined in the hospital; and, if he is not indigent, he and his estate shall be charged with expenses of his support therein. And any person becoming insane during the continuance of his sentence in the United States penitentiary has the same privilege of treatment in the hospital during the continuance of his mental disorder as is granted to per-

sons who escape the consequences of criminal acts by reason of insanity, unless it is the opinion both of the physician to the penitentiary and the superintendent of the hospital that such insane convict is so depraved and furious in his character as to render his custody in the hospital insecure and his example pernicious.

Whenever there are vacancies, private patients from the district may be received at a rate of board determined by the visitors, in no case less than the actual cost of their support. The independent or pay patients may be received into the hospital on the certificate of two respectable physicians of the district, stating that they have personally examined the patient and believe him to be insane at the time of giving the certificate, and a fit subject for treatment in the institution, accompanied by a written request for the admission from the nearest relatives, legal guardian, or friend of the patient, where he may remain until restored to reason. The friends shall comply with the regulations of the hospital in respect to payment of board and in all other respects. The request for admission must be made within five days of the date of the certificate of insanity.

When any person confined in the hospital charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, is restored to sanity, the superintendent of the hospital gives notice thereof to the judge of the criminal court, and delivers him to the court in obedience to the proper precept. If any person gives bond with sufficient security, approved by the supreme court of the District of Columbia, or by any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may deliver such insane person to the party giving such bond. No insane person not charged with any breach of the peace is ever confined in the United States jail in the District of Columbia.

All appropriations of money by Congress for the support of the hospital are drawn from the Treasury on the requisition of the Secretary of the Interior, and are disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money. The 1886-87 appropriations provided the sums of $75,132 for the support of the indigent insane of the District of Columbia; and for support, clothing, and treatment of the insane from the Army and Navy, marine corps, and revenue cutter service, persons charged with or convicted of crimes against the United States, inmates of the National Homes for Disabled Volunteer Soldiers, and of all persons who had become insane since their entry into the military or naval service of the United States, and who were indigent, $195,000; and not exceeding $1000 of this sum might be expended in defraying the expenses of the removal of patients to their friends. For the buildings and grounds of the Government hospital for the insane as follows: for general repairs and improvements, $10,000; special improvements—namely, for rebuilding wash-house and drying-room of the laundry, and refitting the same, $1500; for iron stairs, with fireproof passages and further protection against fire, $3500; for the erection of a hospital building for convict and homicidal insane, $50,000.

THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The Columbia Institution for the Instruction of the Deaf and Dumb was incorporated in 1857. It can hold no real or personal property, except such as may be necessary to the maintenance and efficient management of the institution; and no part of its real or personal property shall be devoted to any other purpose than the education of the deaf and dumb, nor shall any portion of the real estate be aliened, sold, or conveyed, except under the authority of a special Act of Congress. Among the directors are one senator appointed by the President of the Senate, and two representatives appointed by the Speaker of the House, who hold their offices for the term of a single Congress, and are eligible to a reappointment. Whenever the Secretary of the Interior is satisfied, by evidence produced by the president of this institution, that any deaf and dumb person of teachable age, properly belonging to the District of Columbia, is in indigent circumstances, and cannot command the means to secure an education, it is his duty to authorise such person to enter the institution for instruction. Deaf mutes, not exceeding forty in number, residing in the several states and territories, applying for admission to the collegiate department, are received on the same terms and conditions as those prescribed by law for the residents of the District of Columbia, at the discretion of the president of the institution; but no student coming from either of the states is supported by the United States during any portion of the time he remains therein. It is the duty of the justices of the peace for the District of Columbia to ascertain the names and residences of all deaf and dumb persons within their respective districts; which of them are of teachable age, and also which of them are in indigent circumstances; and to report the same to the president of the Columbia Institution for the Instruction of the Deaf and Dumb. The superintendent, at the commencement of every December session of Congress, makes a full and complete statement of all the expenditures made by virtue of any appropriations by Congress, including the amounts and the rates paid to the superintendent and for teachers. It is the duty of the President and directors to report to the Secretary of the Interior the condition of the institution, on the first day of July in each year, and the number remaining in the institution; also the branches of knowledge and industry taught, and the progress made therein; also a statement showing the receipts of the institution, and from what sources, and its disbursements, and for what objects; also an itemised statement of all employees, the salaries or wages respectively, each of them, and also of all other expenses of the institution. Whenever the Secretary of the Interior is satisfied by evidence produced by the president of the institution that any blind person, of teachable age, cannot command the means to secure an education, he may cause such person to be instructed in some institution for the education of the blind in Maryland or some other state, at a cost not greater for each pupil than is or may be for the time being paid by such state, and to cause the same to be paid out of the Treasury of the United States. The appropriations for the year 1886-87 included "for support of the institution, including salaries and incidental ex-

penses, and for books and illustrative apparatus, for general repairs, and improvements, $52,500 ; provided that no more than $25,000 of said sum shall be expended for salaries and wages. To enable the Secretary of the Interior to provide for the education of feeble-minded children belonging to the District of Columbia, as provided for in the Act approved June 16, 1880, $2500. For the extension of the buildings of the institution for the purpose of providing additional schoolroom accommodation, and also room for the instruction of the pupils in industrial labour, and for furnishing and fitting up said additional building, $8000."

NATIONAL CEMETERIES.

The Secretary of War purchases such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions for national cemeteries, and obtains from the owners the title in fee-simple for the same. If an amicable arrangement cannot be effected, he can enter upon and appropriate any real estate which in his judgment is suitable and necessary for such purposes ; and he or the owners can make application for an appraisement of such real estate to any circuit or district court within any state or district where such real estate is situated ; and such court, upon such application, and in such mode and under such rules and regulations as it may adopt, makes a just and equitable appraisement of the cash value of the several interests of each and every owner of such real estate, and improvements thereon. The fee-simple of such real estate, upon payment to the owner of the appraised value, or, in case such owner refuses or neglects for thirty days after the appraisement to demand the appraised cash value thereof from the Secretary of War, upon depositing the appraised value in the court making the appraisement to the credit of the owner, is vested in the United States, and its jurisdiction over such real estate is exclusive, and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purpose of navy-yards, forts, and arsenals. The sums necessary to pay the appraised value of the several pieces of real estate may be taken from any moneys appropriated for the purposes of national cemeteries. The Secretary of War shall cause to be erected at the principal entrance of each national cemetery a suitable porter's lodge, and appoint a meritorious and trustworthy superintendent to reside therein, for the purpose of guarding and protecting the cemetery, and giving information to parties visiting it. These superintendents are selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men, of the volunteer or regular army who have been honourably mustered out or discharged from the service of the United States, and who may have been disabled for active field-service in the line of duty. Their pay is from $60 to $75 a-month each, according to the extent and importance of the respective cemeteries, and they get quarters and fuel. All soldiers, sailors, or marines dying in the service of the United States in a destitute condition, after having been honourably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honourable discharge of a deceased man is sufficient authority for the superintendent of

any cemetery to permit the interment. From the time any state legislature has given the consent of such state to the purchase by the United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall, in all courts and places, be held to be the same as is granted by section 8, Article I., of the Constitution of the United States, and all provisions relating to national cemeteries are applicable to the same. By an Act of 1879 the Secretary of War was authorised to erect headstones over the graves of soldiers who served in the regular or volunteer army of the United States during the war for the Union, and who had been buried in private, village, or city cemeteries, in the same manner as provided for those interred in national military cemeteries, and should cause to be preserved in the records of his department the names and places of burial of all soldiers for whom such headstones should have been erected by authority of this or any former Acts. In the national cemeteries each grave is marked with a small headstone or block of durable stone, and of such design and weight as to keep it in place when set, and it bears the name of the soldier and the name of his state inscribed thereon, when the same are known, and also the number of the grave corresponding with the number opposite to the name of the soldier in a register of burials kept at each cemetery and at the office of the quartermaster-general, which sets forth the name, rank, company, regiment, and date of death of the officer or soldier; or if these are not known, it is so recorded. The appropriation Act for 1886-87 appropriated $40,000 "for continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at naval yards and stations of the United States, and other burial-places;" $100,000 for maintaining, improving, &c., national cemeteries; and $60,440 for pay of 73 superintendents of national cemeteries.

THE SMITHSONIAN INSTITUTION.

James Smithson, Esq. of London, in the kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America to found at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men, the United States, by an Act of Congress, received the property and accepted the trust. The President, the Vice-President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief-Justice, the Commissioner of Patents, and the Governor of the District of Columbia, and such other persons as they may elect honorary members, were by Act constituted an establishment by the name of the "Smithsonian Institution." The business of this institution is conducted at the city of Washington by a board of regents, named the regents of the Smithsonian Institution, composed of the Vice-President, the Chief-Justice of the United States, and the Governor of the District of Columbia, three members of the Senate appointed by the President thereof, three members of the House of Representatives appointed by the Speaker thereof, and

six other persons, other than members of Congress, of whom two are resident in the city of Washington and the other four are inhabitants of some state, but no two of them of the same state. These six persons are appointed regents by joint-resolution of the Senate and House of Representatives. The members of the House so appointed serve for two years; and on every alternate fourth Wednesday of December a like number are appointed in the same manner for two years. The senators appointed regents serve during the term for which they hold, without re-election, their office as senators. The regular term of office for the six regents is six years. One of the regents is elected chancellor, and presides at the board of regents. He is called chancellor of the Smithsonian Institution. A suitable person is elected secretary of the Institution, who is also secretary of the board of regents. The board also elects three of their own body as an executive committee, and fix on the time for the regular meetings of the board. On application of any three of the regents to the secretary, it is his duty to appoint a special meeting of the board, and to give each regent notice thereof by letter. Five regents constitute a quorum to do business at meetings. Each member of the board is paid his necessary travelling and other actual expenses in attending meetings of the board, which are audited by the executive committee and recorded by the secretary of the board; but his service as regent is gratuitous. The secretary of the board of regents takes charge of the building and property of the Institution, and under their direction makes a fair and accurate record of all their proceedings, to be preserved in the Institution; and he also discharges the duties of librarian and of keeper of the museum, and may, with the consent of the board, employ assistants. The members and honorary members may hold stated and special meetings for the supervision of the affairs of the Institution and the advice and instruction of the board of regents. Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States, which may be in the city of Washington, are delivered to the board of regents, and so arranged and classified in the building erected for the Institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the museum of the Institution by exchanges of duplicate specimens, which the regents may in their discretion make, or by donation, which they may receive, or otherwise, they are appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which were received by the Government of the United States, are preserved separate and apart from other property of the Institution. The regents make, from the interest of the fund, an appropriation, not exceeding an average of $25,000 annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge. Whenever money is required for the payment of the debts or performance of the contracts of the Institution properly incurred, the board of regents or the executive committee thereof may certify to the chancellor and secretary of the board that such sum of money is required, whereupon they examine the same, and, if they approve thereof, certify the same to the proper officer of the

Treasury for payment. The board submits to Congress, at each session thereof, a report of the operations, expenditures, and condition of the Institution.

In 1877, all the archives, records, and materials relating to the Indians of North America, collected by the Geographical and Geological Survey of the Rocky Mountains, were directed to be turned over to the Smithsonian Institution, that the work might be completed and prepared for publication under its direction, provided it should meet the approval of the Secretary of the Interior and of the secretary of the Smithsonian Institution. In 1883 there was appropriated for the purpose of continuing ethnological researches among the North American Indians, under the direction of the secretary of the Smithsonian Institution, including salaries and compensation of all necessary employees, $40,000, of which $3000 should be expended for continuing and completing compilation and preparation of a statistical atlas of Indian affairs, by C. C. Royce, under the direction of the bureau of ethnology, Smithsonian Institution, which should be immediately available. The appropriations for the year 1886-'87 included $10,000 for the improvement, maintenance, and care of Smithsonian grounds; $10,000 for expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees; and $40,000 for the purpose of continuing ethnological researches among the American Indians. An appropriation for these Indian researches seems, meantime, to be given annually.

MISCELLANEOUS INSTITUTIONS.

Chapter 757 of the laws of 1886, being an Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, under the headings (1) "For Reformatories and Prisons," mentions the "Washington Asylum," the "Reform School," the "Georgetown Almshouse," and the "Industrial Home School"; (2) "For Support of the Insane," the "Government Hospital for the Insane," already described; (3) "For Charities," the "Columbia Hospital for Women and Lying-in Asylum," the "Women's Christian Association," the "National Association for Destitute Coloured Women and Children," the "Children's Hospital," "Saint Ann's Infant Asylum," the "Church Orphanage," the "Washington Hospital for Foundlings," the "Saint Rose Industrial School," the "House of the Good Shepherd," the "Association for Works of Mercy," and the "National Homeopathic Hospital Association of Washington."

Under the heading "Public Schools, District of Columbia," it appears there are 1 superintendent at a salary of $2700, 1 superintendent at $2250, 1 clerk to superintendent and secretary to board of trustees at $1200, 1 clerk to superintendent, $800, and a sum of $415,400 was appropriated for the salaries of not over 620 teachers, at an average salary not to exceed $670; and, in addition, $2500 for teachers of night-schools.

In another appropriation Act of 1886 for sundry civil expenses of the Government, appropriations are granted for the maintenance of Howard's University, for the Freedmen's Hospital and Asylum at Wash-

ington, for the National Museum, the Army and Navy Hospital at Hot Springs, Arkansas, the Service Army and Navy Hospital.

UNITED STATES CIVIL SERVICE COMMISSION.

By chapter 27, "An Act to regulate and improve the civil service of the United States," which became law upon January 16, 1883, the President was authorised to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom should be adherents of the same party, as Civil Service Commissioners, who should constitute the United States Civil Service Commission, and should hold no other official place under the United States. The President may remove any commissioner; and so fills any vacancy, by and with the advice and consent of the Senate, as to conform to said condition for the first selection of commissioners. Each commissioner receives a salary of $3500 a-year, and is paid his necessary travelling expenses incurred in the discharge of his duty as a commissioner.

It is the duty of the commissioners to aid the President as he may request in preparing suitable rules for carrying said Act into effect; and these having been promulgated, it is the duty of all officers of the United States in the departments and offices to which any such rules may relate, to aid in all proper ways in carrying said rules, and any modifications thereof, into effect. Among other things these rules shall provide and declare, as nearly as the conditions of good administration warrant, as follows:—

1. For open competitive examinations for testing the fitness of applicants for the public service as classified. These examinations are practical in their character, and, so far as may be, relate to those matters which fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

2. That all the offices, places, and employments arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

3. Appointments to the public service in the departments in Washington shall be apportioned among the several states and territories, and the District of Columbia, upon the basis of population as ascertained by the last preceding census. Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual *bonâ fide* residence at the time of making the application, as well as how long he or she has been a resident of such place.

4. That there shall be a period of probation before any absolute appointment or employment aforesaid.

5. That no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

6. That no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

7. There shall be non-competitive examinations in all proper cases before the Commission, when competent persons do not compete, after notice has been given of the existence

of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

8. That notice shall be given in writing by the appointing power to said commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said commission. And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

The commission makes an annual report to the President for transmission to Congress showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of said Act.

The commission is authorised to employ a chief examiner, a part of whose duty it is, under its direction, to act with the examining boards so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which are at all times open to him. This chief examiner's salary is $3000 a-year, and he is paid his necessary travelling expenses, incurred in the discharge of his duty. The commission has a secretary, appointed by the President, whose salary is $1600 per annum; and it can, when necessary, employ a stenographer and a messenger, paid when employed, the former at the rate of $1600 and the latter at the rate of $600 a-year. The commission at Washington, and in one or more places in each state and territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said state or territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such state or territory in the place of any one so selected. These boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any state or territory, examinations are held therein at least twice in each year. It is the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia, where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same. The Secretary of the Interior provides rooms, &c., at Washington, District of Columbia.

Within sixty days after the passage of said Act, it was the duty of the Secretary of the Treasury, in as near conformity as might be to the classification of certain clerks then existing under section 163 of the Revised Statutes (first, second, third, and fourth classes), to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons should be all together as near as

fifty. And thereafter from time to time, on the direction of the President, said Secretary should make the like classification or arrangement of clerks and persons so employed in connection with any said office or offices, in any other customs district. And upon like request, and for the purposes of said Act, said Secretary should arrange in one or more of said classes, or of then existing classes, any other clerks, agents, or persons employed under his department in any said district not then classified; and every such arrangement and classification upon being made should be reported to the President. It was also provided that the Postmaster-General should in like manner classify the several clerks and persons employed, or in the public service at each post-office, or under any postmaster of the United States, and from time to time report to the President. The said Secretary, the Postmaster-General, and each of the heads of departments, and each head of an office should, on the direction of the President, and for facilitating the execution of said Act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and should for the purposes of the examination include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination. It was provided that, after six months from the passage of said Act, all appointments and promotions should be made only upon examination, unless there should be special exemption. But these provisions do not take from those honourably discharged from the military or naval service any preferences conferred by section 1754 of the Revised Statutes (preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office); nor from the President any authority not inconsistent with this Act conferred by section 1753 of said Statutes (to prescribe regulations for the admission of persons into the civil service of the United States; and to employ suitable persons to inquire into the age, health, character, knowledge, and ability, &c., of such persons, &c.); nor shall any officer not in the executive branch of the Government, nor any person merely employed as a labourer or workman, be required to be classified; nor, unless by discretion of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination.

No person habitually using intoxicating beverages to excess shall be appointed or retained in any office, &c. Whenever there are already two or more members of a family in the public service in the grades covered by the Act, no other members of such family are eligible to appointment to any of said grades. No recommendation of any person who applies for office or place, given by any senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment. No senator, or representative, or territorial delegate of the Congress, or senator, representative, or delegate elect, or any officer or employee of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States shall, directly or indirectly, solicit or receive, or be in

any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States. No person shall in any room or building occupied in the discharge of official duties by any such officer or employee of the United States, or in any navy-yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or any other thing of value for any political purpose whatever. No officer or employee of the United States shall discharge or promote or degrade or in manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any senator or member of the House of Representatives, or territorial delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. Any violation of any of these provisions is a misdemeanour, and on conviction thereof the offender is punished by a fine not exceeding $5000, or by imprisonment not exceeding three years, or by both fine and imprisonment, in the discretion of the court.

COLLECTION OF DUTIES.

The several states and territories are divided into numerous collection districts, with specially designated ports of entry and of delivery; and there is no lack of inspectors, weighers, gaugers, measurers, and other officers necessary for the collection of the revenue. By and with the advice and consent of the Senate, the President appoints four appraisers of merchandise, who are employed in visiting such ports of entry in the United States, under the direction of the Secretary of the Treasury, as may be deemed useful by him for the security of the revenue, and, at such ports, afford such aid and assistance in the appraisement of merchandise thereat as may be deemed necessary to protect and ensure uniformity in the collection of the revenue from customs. Whenever an appraisement of imported merchandise is to be made at any port for which no appraiser is provided by law, the collector of the district appoints two respectable resident merchants to be the appraisers. Every merchant who, after being chosen by the collector, and after due notice of such choice has been given to him in writing, declines or neglects to assist at such appraisement, is liable to a penalty not exceeding $50, and to the costs of prosecution therefor. There are special examiners of drugs, medicine, chemicals, and so forth. The Secretary of the Treasury gives to the collectors of districts for which an examiner of drugs, &c., is not provided by law such instructions as he deems necessary to prevent the importation of adulterated and spurious drugs and medicines.

The collectors of the customs, naval officers, and surveyors of the customs are appointed for the term of four years. Every officer, clerk,

or employee, before entering upon his duties, takes and subscribes an oath, in addition to the usual oath of office prescribed by law, that he will use his best endeavours to prevent and detect frauds against the laws of the United States imposing duties upon imports. The collector takes the oath before any magistrate authorised to administer oaths within his district, while all others take it before the collector of their respective districts. This oath, certified under the hand and seal of the person administering it, is within three months transmitted to the Commissioner of Customs. Every collector, naval officer, and surveyor gives bond to the United States, with one or more sufficient sureties, for the true and faithful discharge of his duties according to law, in certain fixed sums, according to the district. There is an elaborate system of forms of accounts and of reports. The several salaries paid are moderate in amount.

For the better securing the collection of import or tonnage duties, the President may cause to be maintained so many of the revenue cutters as may be necessary to be employed for the protection of the revenue, the expense whereof is paid out of such sum as is annually appropriated for the revenue cutter service, and not otherwise. He may from time to time cause such of the revenue cutters as have become unfit for further service to be sold, and the proceeds paid into the Treasury; but the Secretary may apply in the purchase or construction of revenue cutters any unexpended balance of the proceeds of revenue cutters so sold. The officers for each revenue cutter are—1 captain, 1 first, 1 second, and 1 third lieutenant; and for each steam-vessel in addition—1 engineer and 1 assistant engineer; but the Secretary of the Treasury may, in his discretion, assign to any vessel a greater number of officers. The number of petty officers and men is what the Secretary thinks will make the several vessels efficient for their service. The commissioned officers are appointed by the President, by and with the advice and consent of the Senate, and no person is appointed to the office of captain, first, second, or third lieutenant of any revenue cutter, who does not adduce competent proof of proficiency and skill in navigation and seamanship. The revenue cutters, whenever the President so directs, co-operate with the Navy, during which time they are under the direction of the Secretary of the Navy, and the expenses thereof are defrayed by the Navy Department. The Secretary of the Treasury may direct the performance of any service by the revenue vessels which, in his judgment, is necessary for the protection of the revenue. The officers of the revenue cutters are respectively deemed officers of the customs, and are subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time are designated for that purpose. They go on board all vessels which arrive within the United States, or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and demand, receive, and certify the manifests required to be on board certain vessels, and affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and remain on board such vessels until they arrive at the port or place of their destination. The master of any revenue cutter makes a weekly return to the collector or other officer of the district under whose direction it is placed, of the transactions of the cutter, specifying the vessels that

have been boarded, their names and descriptions, the names of the masters, from what port or place they last sailed, whether laden or in ballast, to what nation belonging, and whether they have the necessary manifests of their cargoes on board, and generally all such matters as it may be necessary for the officers of the customs to know. The officers of the revenue cutters perform, in addition to these duties, such other duties for the collection and security of the revenue as from time to time are directed by the Secretary of the Treasury, not contrary to law.

The collector of each district may, with the approval of the Secretary of the Treasury, provide and employ such small, open, row, and sail boats, and persons to serve in them, as are necessary for the use of the surveyors and inspectors in going on board of vessels, and otherwise for the better detection of frauds.

The cutters and boats employed in the service of the revenue are distinguished from other vessels by an ensign and pendant, with such marks thereon as are prescribed by the President. If any vessel or boat, not employed in the service of the revenue, carry or hoist, within the jurisdiction of the United States, any pendant or ensign prescribed for vessels in such service, the master of the vessel so offending is liable to a penalty of $100. Whenever any vessel, liable to seizure or examination, does not bring to, on being required to do so, or on being chased by any cutter or boat which has displayed this pendant and ensign, the master of such cutter or boat may fire at or into such vessel which does not bring to, after such pendant and ensign has been hoisted, and a gun has been fired as a signal, and such master and all persons acting by or under his direction are indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he is forthwith admitted to bail.

Vessels which are not vessels of the United States are admitted to unlade only at ports of entry established by law, and no such vessel is admitted to make entry in any other district than in the one in which she is admitted to unlade. It is not lawful to unlade the cargo, or any part thereof, elsewhere than at one of the ports of delivery designated in the several collection districts, except that every port of entry is also a port of delivery. The provisions of law regarding entries, &c., must be strictly complied with.

The United States Statutes have explicit provisions regarding warehouses for the storage of unclaimed goods, or goods which, for any other reason, are required by law to be stored by the Government, and for public and private bonded warehouses; also for re-exportation from bonded warehouses; also for the transportation in bond of foreign goods to places inland, and for passing through the United States to points without the United States. To avoid the inspection at the first port of arrival, the owner, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorised to act in the premises, to seal or close the same under and according to the regulations authorised by law, previous to their importation into the United States, and the officer shall seal or close the same accordingly, whereupon the same may proceed to their port of destination without further inspection. Every

such vessel, car, or other vehicle proceeds without unnecessary delay to the port of its destination as named in the manifest of its cargo, freight, or contents, and is there inspected; but such examination as may be necessary and proper to prevent frauds upon the revenue, and violations of the revenue laws, may nevertheless be at any time made. There are also special provisions applying to commerce with contiguous countries both by sea and by land. Merchandise of foreign growth or manufacture, subject to the payment of duties, can be brought by land only at certain designated points, and by sea only in vessels of thirty or more tons burden, agreeably to the admeasurement directed for ascertaining the tonnage of vessels. If any store, warehouse, or other building is upon or near the boundary line between the United States and any foreign country, and there is reason to believe that dutiable merchandise is deposited, or has been placed therein, or carried through or into the same without payment of duties and in violation of law, and the collector, deputy-collector, naval officer, or surveyor of customs make oath before any magistrate competent to administer the same, that he has reason to believe, and does believe, that such offence has been therein committed, such officer has the right to search such building, and the premises belonging thereto; and if any such merchandise is found therein, the same, together with such building, is seized, forfeited, and disposed of according to law, and the building is forthwith taken down or removed. Any person offending in this way is punishable by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both.

If any merchandise is at any port in the United States on the northern, north-eastern, or north-western frontiers thereof laden upon any vessel belonging wholly or in part to a subject of a foreign country, and is taken thence to a foreign port to be reladen and reshipped to any other port in the United States on such frontiers, either by the same or any other vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port of the United States to another port of the United States in a vessel belonging wholly or in part to a subject of any foreign Power, the merchandise is, on its arrival at such last-named port, seized and forfeited to the United States, and the vessel pays a tonnage duty of 50 cents per ton on her admeasurement. The master of every vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, north-eastern, and north-western frontiers of the United States, except canal-boats employed in navigating the canals within the United States, before the departure of his vessel from a port in one collection district to a port in another collection district, presents to the collector at the port of departure duplicate manifests of his cargo, or, if he have no cargo, duplicate manifests setting forth that fact; such manifests are subscribed and sworn to by the master before the collector, who indorses thereon his certificate of clearance, retaining one for the files of his office, the other he delivers for the use of the master. The master of any vessel with cargo, passengers, or baggage from any foreign port shall obtain a permit and comply with existing laws before discharging or landing the same; but no permit is required for the unlading of cargo brought from an American port in any vessel enrolled or licensed to engage in the foreign and coasting trade, as already stated. The masters of such vessels are not exempt from reporting, as required

by law, any merchandise destined for any foreign port. The Secretary of the Treasury, with the approbation of the President, provided the latter is satisfied that similar privileges are extended to vessels of the United States in the after-named colonies, is authorised, under such regulations as he may prescribe to protect the revenue from fraud, to permit vessels laden with the products of Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, or either of them, to lade or unlade at any port within any collection district of the United States which he may designate; and if any such vessel entering a port so designated to lade or unlade neglects or refuses to comply with the regulations so prescribed by the Secretary of the Treasury, such vessel and the owner and master thereof are subject to the same penalties as if no such authority had been granted to lade or unlade in such port. Steam-tugs duly enrolled and licensed to engage in the foreign and coasting trade on the northern, north-eastern, and north-western frontiers of the United States, when exclusively employed in towing vessels, are not required to report and clear at the custom-house; but when they are employed in towing rafts or other vessels without sail or steam motive power, not required to be enrolled or licensed under existing laws, they are required to report and clear in the same manner as provided in similar cases for other vessels. Any vessel, on being duly registered in pursuance of the United States laws, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters and mails. All such vessels are furnished by the collectors of the ports at which they take in their cargoes in the United States with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered, designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels, on the arrival at any port in the United States from any foreign port at which such vessel may have touched, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and are subject to all the penalties therein prescribed.

By the laws of June 10, 1880, when any merchandise other than explosive articles, and articles in bulk not provided for by the Act, imported at New York, Philadelphia, Boston, Baltimore, Portland and Bath in Maine, Chicago, Port-Huron, Detroit, New Orleans, Norfolk, Charleston, Savannah, Mobile, Galveston, Pensacola, Florida, Cleveland, Toledo, and San Francisco, appear by the invoice or bill of lading and manifest of the importing vessel to be consigned to and destined for either of the (numerous) ports specified in the seventh section of this Act, the collector of the port of arrival shall allow the said merchandise to be shipped immediately after the entry prescribed in section 2 of the Act has been made. Such merchandise is not subject to appraisement and liquidation of duties at the port of first arrival, but undergoes such examination as the Secretary of the Treasury deems necessary to verify the invoice; and the same examination and appraisement thereof are required and had at the port of destination as would have been required at the port of first arrival if

such merchandise had been entered for consumption or warehouse at such port. Such merchandise is delivered to and transported by common carriers, designated for this purpose by the Secretary of the Treasury, and to and by none others; and such carriers are responsible to the United States, as common carriers, for the safe delivery of such merchandise to the collector at the port of its destination. Before any such carriers are permitted to receive and transport any such merchandise, they become bound to the United States in bonds of such form and amount, and with such conditions, not inconsistent with law and such security, as the Secretary of the Treasury requires. Merchandise transported under the provisions of this Act is conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the Customs. Merchandise may also be transported under the provisions of this Act by express companies, on passenger trains, in safes and trunks which are of such size, character, and description, and secured in such manner, as shall be from time to time prescribed by the Secretary. In cases where merchandise is imported in boxes or packages too large to be included within the safes or trunks so prescribed, it may be transported under the provisions of this Act by such express companies in a separate compartment of the car, secured in such manner as shall from time to time be prescribed by the Secretary of the Treasury. Merchandise such as pig-iron, &c., commonly transported upon platform or flat cars, may be transported upon such platform or flat cars, and the weight of such merchandise so transported is ascertained in all cases before shipment, and ordinary railroad-scales may be used for the purpose. Inspectors are stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary of the Treasury, and at the expense of the companies respectively. Such merchandise shall not be unladen or trans-shipped between the ports of first arrival and final destination, unless authorised by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, or from accidents, or from legal intervention, or when, by reason of the length of the route, the cars, after due inspection of the customs officers, shall be considered unsafe or unsuitable to proceed further, or from low water, ice, or other unavoidable obstruction to navigation. In no case is any breaking of the original packages of such merchandise permitted. Merchandise so destined for immediate transportation is transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle in which it is to be transported to its final destination. No merchandise is shipped under the provisions of this Act after it has been landed ten days from the importing vessel.

Whenever the proper officer of the customs is duly notified in writing of the existence of a lien for freight upon imported goods, wares, or merchandise in his custody, he, before delivering such goods, wares, or merchandise to the importer, owner, or consignee thereof, gives seasonable notice to the party or parties claiming the lien, and the possession by the officers of customs does not affect the discharge of such lien, under such regulations as the Secretary of the Treasury prescribes; and such officer may refuse the delivery of such merchandise from any public or bonded warehouse, or other place in which the same is deposited, until proof to his satisfaction has been produced

that the freight thereon has been paid or secured. But the rights of the United States are not prejudiced thereby, nor are the United States or its officers in any manner liable for losses consequent upon such refusal to deliver. If merchandise subject to such lien, regarding which notice has been filed, is forfeited to the United States and sold, the freight due thereon is paid from the proceeds of such sale in the same manner as other charges and expenses authorised by law to be paid thereon are paid.

INTERNAL REVENUE.

The word "state" when used includes the territories and the District of Columbia, where such construction is necessary to carry out the provisions of law; and where not otherwise distinctly expressed, or manifestly incompatible with the intent thereof, the word "person" means and includes a partnership, association, company, or corporation, as well as a natural person.

By section 3141 of the Revised Statutes of the United States, it was enacted that — For the purpose of assessing, levying, and collecting the taxes provided by the internal revenue laws, the President may establish convenient collection districts, and for that purpose he may subdivide any state, territory, or the District of Columbia, or may unite two or more states or territories into one district, and may from time to time alter said districts, provided the number of districts in any state does not exceed the number of representatives in Congress to which such state was entitled in the 37th Congress, except in such states as were entitled to an increased representation in the 38th Congress, in which states the number of districts shall not exceed the number of representatives to which any such state was so entitled; and provided further, that in the State of California the President may establish a number of districts not exceeding the number of senators and representatives to which said state was entitled in the 37th Congress. By and with the advice and consent of the Senate, the President appoints for each collection district a collector, who shall be a resident of the same. When two or more collection districts are united by him, he may designate from among the existing officers of such district one collector for the new district, or, at his discretion, make a new appointment of such officer for said district. Every collector, before entering upon the duties of his office, executes an official bond, which he shall from time to time renew, strengthen, and increase, &c., for such amount as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, with not less than five sureties to be approved by the Solicitor of the Treasury; and this bond is filed in the office of the First Comptroller of the Treasury. It is the duty of collectors of internal revenue to act as disbursing agents of the Treasury for the payment of all expenses of collection of taxes and other expenditures for the internal revenue service within their respective districts, under regulations and instructions from the Secretary of the Treasury, on giving good and sufficient bond with such sureties, in such form and in such penal sum as is prescribed by the First Comptroller of the Treasury and approved by the Secretary of the Treasury, for the faithful performance of their duties as such disbursing agents; but no

additional compensation is paid them for such services. The salaries of collectors are fixed at $2000 each per annum, where the annual collections amount to $25,000 or less, and are, by the Secretary, on the recommendation of the Commissioner, graduated up to the maximum limit of $4500, which latter sum is allowed in all cases where the collections amount to $1,000,000 or upward. Certain allowances are paid collectors for advertising, stationery, and blank books used in the performance of official duties and for postage actually paid, the date and particular item being verified by the oath of the collector; and where, from the territorial extent of the district, or the amount of internal duties collected, it seems just, a further reasonable allowance may be made.

Each collector is authorised to appoint, by an instrument in writing under his hand, as many deputies as he thinks proper, to be compensated for their services by such allowances as are made by the Secretary of the Treasury upon the recommendation of the Commissioner of Internal Revenue; and he has power to revoke the appointment of any deputy, giving such notice thereof as the Commissioner of Internal Revenue prescribes, and to require and accept bonds or other securities from any deputy; and actions upon such bonds may be brought in any appropriate district or circuit court of the United States, which have jurisdiction of such actions concurrently with the courts of the several states. Each deputy has the like authority in every respect to collect the taxes levied or assessed within the portion of the district assigned to him which is by law vested in the collector himself. But each collector is in every respect responsible both to the United States and to individuals, as the case may be, for all monies collected, and for every act done, or neglected to be done, by any of his deputies while acting as such.

In case of the sickness or absence of a collector, or in case of his temporary disability to discharge his duties, they devolve upon his senior deputy, unless he has devolved them upon another of his deputies; and for the official acts or defaults of such deputies the collector and his sureties are held responsible to the United States. In case of a vacancy occurring in the office of collector, the deputies of such collector continue to act until his successor is appointed; and the deputy senior in service discharges all the duties of collector and of disbursing officer until a successor is appointed. Where two or more deputies were appointed on the same day, the one residing nearest the residence of the collector when the vacancy occurred discharges the collector's duties; but the Secretary of the Treasury, if it appears that the interest of the Government so requires, may by his order direct such duties to be performed by such other of the said deputies as he may designate.

There are appointed by the Secretary of the Treasury, in every collection district where they may be necessary, one or more inspectors of tobacco and cigars, who take an oath *de fideli administratione officii*, and give official bonds with approved sureties.

The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ competent agents, not exceeding at any time thirty-five in number, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose. And he may at his discretion assign any such agent to duty under the direction of any officer of internal revenue,

or to such other special duty as he may deem necessary. These internal revenue agents have all the powers of entry and examination conferred upon any officer of internal revenue; and all the provisions, including those imposing fines, forfeitures, penalties, or other punishments for the enforcement thereof, are applicable to the action of internal revenue agents. Every collector within his collection district and every internal revenue agent shall see that all laws and regulations relating to the collection of internal taxes are faithfully executed and complied with, and shall aid in the prevention, detection, and punishment of any frauds in relation thereto. And it is the duty of every collector and of every internal revenue agent to report to the commissioner, in writing, any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal revenue officer or agent of which he may obtain knowledge, with a statement of all the facts in each case and any evidence sustaining the same. The commissioner may transfer any inspector, gauger, storekeeper, or storekeeper and gauger, from one distillery or other place of duty, or from one collection district, to another. Every collector, deputy-collector, and inspector is authorised to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorised by law to be taken. If any officer appointed under and by virtue of any Act to provide internal revenue, or any person acting under or by authority of any such officer, receives any injury to his person or property in the discharge of his duties under any law of the United States for the collection of taxes, he is entitled to maintain suit for damage therefor in the circuit court of the United States in the district wherein the party doing the injury resides or is found.

Every collector shall from time to time cause his deputies to proceed through every part of his district, and inquire after and concerning all persons therein who are liable to pay a special tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects. It is the duty of any person, &c., made liable to any duty, special tax, stamp, or tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 30th day of April in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the deputy-collector of the district where located, of the articles or objects charged with a special duty or tax, the quantity of goods, wares, and merchandise made or sold and charged with a specific duty or tax, the several rates and aggregate amount, according to the forms and regulations prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, for which such person, &c., is liable. Provided that if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or licence, fail to make and exhibit a list or return required by law, but consent to disclose the particulars thereof, then and in that case it is the duty of the deputy-collector to make such a list or return which, being distinctly read, consented to, and signed, and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the

list of such person. Provided further, that in case any person shall be absent from his or her residence or place of business at the time a deputy-collector calls for the annual list or return, and no annual list or return has been rendered by such person as required by law, it is the duty of the deputy-collector to leave, at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office, a note or memorandum addressed to such person, requiring him or her to render to such deputy-collector the list or return required by law, within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person, being notified or required as aforesaid, refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any under-valuation or under-statement, it is lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he deems proper, to appear before him and produce such books at a time and place named in the summons, and to give testimony, or answer interrogatories under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the state in which his district lies; and when the person intended to be summoned does not reside and cannot be found within such state, he may enter any collection district where such person may be found, and there make the examination authorised by law. And to this end, he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned. Such summons is in all cases served by a deputy-collector of the district where the person to whom it is directed may be found, by an attested copy delivered to such person in hand, or left at his last and usual place of abode, allowing such person one day for each twenty-five miles he may be required to travel, computed from the place of service to the place of examination; and the certificate of service signed by such deputy is evidence of the facts it states on the hearing of an application for an attachment. When the summons requires the production of books, it is sufficient if such books are described with reasonable certainty. Should the party summoned fail to obey the summons, or to give testimony, or to answer interrogatories as required, the collector may apply to the judge of the district court, or to a commissioner of the circuit court of the United States for the district within which such party resides, for an attachment against him as for a contempt, which is granted, &c., in the usual manner.

The collector or any deputy-collector in every district enters into and upon the premises, if it be necessary, of every person therein who has taxable property, and who refuses or neglects to render any return or list required by law, or who renders a false or fraudulent return or list, and makes, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the objects liable to tax, owned or possessed, or under

the care or management of such person, and the Commissioner of Internal Revenue assesses the tax thereon, including the amount, if any, due for special tax, and in case of any return of a false or fraudulent list or valuation he adds 100 per centum to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he adds 50 per centum to such tax. In case of neglect occasioned by sickness or absence as aforesaid, the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax is collected at the same time and in the same manner as the tax, unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added is collected in the same manner as the tax. Every such officer may, for the purpose of examining as described, enter into and upon the premises in the daytime, and the owner or person having the agency or superintendence of the same, who refuses to admit him, or to suffer him to examine such article or articles, shall for every such refusal forfeit $500. And when such premises are open at night, the officers may enter them, while so open, in the performance of their official duties; and if any person forcibly obstruct or hinder any such officer in the execution of any power and authority vested in him by law, or forcibly rescue, or cause to be rescued, any property, articles, or objects, after the same have been seized by him, or attempt or endeavour to do so, such offender, excepting in cases otherwise provided for, for every such offence forfeits and pays the sum of $500, or double the value of the property so rescued, or is imprisoned for a term not exceeding two years, at the discretion of the court. Whenever any person delivers or discloses to the collector or deputy any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, or being duly summoned to appear to testify or to appear and produce such books as aforesaid, he is fined not exceeding $1000, or is imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution. Whenever there are in any district any articles not owned or possessed by or under the care or control of any person within such district and liable to be taxed, and of which no list has been transmitted to the collector as required by law, the collector or a deputy enters the premises, and takes such view thereof as may be necessary, and makes lists of such articles according to the form prescribed: said lists being subscribed by such collector or deputy are taken as sufficient lists of such articles for all purposes. Lists are taken with reference to the time when taxes become due, and are denominated annual, monthly, and special lists or returns.

The Commissioner of Internal Revenue is authorised and required to make the inquiries, determinations, and assessments of all taxes and penalties under the Internal Revenue Acts, except those payable by stamp, at the time and in the manner provided by law, and he certifies a list of such assessments when made to the proper collectors respectively, who proceed to collect and account for the taxes and penalties so certified. Whenever it is ascertained that an imperfect list has been so delivered, the commissioner may, at

any time within fifteen months from the time of such delivery, enter on any monthly or special list corrections thereof, and certify and return such list to the collector as required by law. It is the duty of the collectors or their deputies in their respective districts, and they are authorised to collect all the taxes imposed by law, however the same may be designated. And every collector and deputy-collector gives receipts for all sums collected by him, excepting only when the same are in payment for stamps sold and delivered; but he issues no receipt in lieu of a stamp representing a stamp. Where it is not otherwise provided, the collector, in person or by deputy, within ten days after receiving any list of taxes from the Commissioner of Internal Revenue, gives notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof. If such person does not pay the taxes within ten days after such notice, it is the duty of the collector or his deputy to collect the said taxes, with a penalty of 5 per centum thereof, and interest thereon at the rate of 1 per centum per month. All returns required to be made monthly by any person liable to tax shall be made on or before the tenth day of each month, and the tax assessed or due thereon returned by the Commissioner of Internal Revenue to the collector on or before the last day of each month. All returns for which no provision is otherwise made are made on or before the tenth day of the month succeeding the time when the tax is due and liable to be assessed, and the tax thereon is returned as provided for monthly returns, and is due and payable on or before the last day of the month in which the assessment is made. When the tax is not so paid, the collector adds a penalty of 5 per centum, together with interest at the rate of 1 per centum per month upon such tax from the time it became due, provided that notice of the time when such tax becomes due and payable is given in the manner prescribed by the Commissioner of Internal Revenue. It is then the duty of the collector, in case of non-payment, on or before the last day of the month as aforesaid, to demand payment of the tax, penalty, and interest as aforesaid, in the manner prescribed by law; and if the same are not paid within ten days after such demand, it is lawful for the collector or his deputy to make distraint therefor as provided by law.

If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favour of the United States from the time when the assessment list was received by the collector, except when otherwise provided, until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person.

There are exempt from distraint and sale, if belonging to the head of a family, the school-books and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep, and the wool thereof, provided the aggregate market value of said sheep does not exceed $50; the necessary food for such cow, hogs, and sheep, for a period not exceeding thirty days; fuel to an amount not greater in value than $25; provisions to an amount not greater than $50; household furniture for use to an amount not greater than $300; and the books, tools, or implements of a trade or profession, to an amount not greater than $100, are also exempt; and the officer making the distraint shall summon three disinterested

householders of the vicinity, who shall appraise and set apart to the owner the amount of property declared to be exempt.

In case of neglect or refusal, the collector may levy, or by warrant may authorise a deputy-collector to levy, upon all property and rights to property, except such as are exempt, belonging to such person, or on which the said lien exists, for the payment of the sum due as aforesaid, with interest and penalty for non-payment, and also of such further sum as shall be sufficient for the fees, costs, and expenses of such levy. All persons and officers of companies or corporations are required, on demand of a collector or deputy-collector about to distrain, or having distrained, on any property or rights of property, to exhibit all books containing evidence or statements relating to the subject of distraint or the property or rights of property liable to distraint for the tax due as aforesaid. When distraint is made, the officer charged with the collection makes or causes to be made an account of the goods or effects distrained, a copy of which, signed by the officer making the distraint, is left with the owner or possessor of such goods or effects, or at his dwelling or usual place of business with some person of suitable age and discretion, if any can be found, with a note of the sum demanded and the time and place of sale; and the said officer forthwith causes a notification to be published in some newspaper within the county wherein said distraint is made if a newspaper is published in said county, or to be publicly posted at the post-office, if there be one within five miles, nearest to the residence of the person whose property is distrained, and in not less than two other public places. Such notice specifies the articles distrained, and the time and place for the sale thereof. Such time shall not be less than ten nor more than twenty days from the date of such notification to the owner or possessor of the property, and the publication or posting of such notice and the place proposed for the sale shall not be more than five miles distant from the place of making such distraint. The sale may be adjourned from time to time by the officer if he deems it advisable, but not for a time to exceed in all thirty days. When property subject to tax, but upon which the tax has not been paid, is seized upon distraint and sold, the amount of such tax, after deducting the expenses of sale, is first appropriated out of the proceeds to the payment of the tax. And if no assessment of such tax has been made upon such property, the collector makes a return thereof in the form required by law, and the Commissioner of Internal Revenue assesses the tax thereon.

When any property advertised for sale under distraint as aforesaid is of a kind subject to tax, and the tax has not been paid, and the amount bid for it is not equal to the amount of the tax, the collector may purchase the same in behalf of the United States for an amount not exceeding the said tax. All property so purchased may be sold by the collector under such regulations as may be prescribed by the Commissioner of Internal Revenue. The collector renders to the Commissioner a distinct account of all charges incurred in such sales, and, in case of sale, pays into the Treasury the surplus, if any, after defraying all lawful charges and fees. Property distrained is restored to the owner or possessor if, prior to the sale, payment of the amount due, together with fees and other charges, is made to the proper officer, otherwise the officer sells at public auction and retains from the proceeds the amount demandable for the use of the United States, and a commission of 5 per

centum thereon for his own use, with the fees and charges for distraint and sale, rendering the overplus, if any, to the person entitled to receive it. In all cases of sale the certificate of sale is *primâ facie* evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings, and transfers to the purchaser all right, title, and interest of such delinquent in and to the property sold; and when the property consists of stocks, said certificate is notice, when received, to any corporation, company, or association, of said transfer; and is authority to such corporation, company, or association to record the same on their books and records in the same manner as if transferred or assigned by the party holding the same, in lieu of any original or prior certificates, which are void whether cancelled or not. And said certificates, where the subject of sale is securities or other evidences of debt, are good and valid receipts to the person holding the same as against any person holding or claiming to hold possession of such securities or other evidences of debt. When the property liable to distraint for taxes is not divisible, so as to enable the collector by a sale of a part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property is sold, and the surplus of the proceeds of the sale, after satisfying the taxes, &c., is paid to the person legally entitled to receive the same; or, if he cannot be found, or refuses to receive the same, is deposited in the Treasury of the United States, to be there held for his use until he makes application in proper form.

When goods, chattels, or effects sufficient to satisfy the taxes imposed upon any person are not found by the collector or deputy-collector, he is authorised to collect the same by seizure and sale of real estate. The officer making the seizure gives notice to the person whose estate it is proposed to sell, by giving him in hand, or leaving at his last or usual place of abode, if he has any such within the collection district where said estate is situated, a notice in writing stating what particular estate is to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same, which time shall not be less than twenty nor more than forty days from the time of giving said notice. Notice to the same effect is given in some newspaper within the county where such seizure is made, if any there be; and a like notice is posted at the post-office nearest to the estate seized, and in two other public places within the county; and the place of sale shall not be more than five miles distant from the estate seized, except by special order of the Commissioner of Internal Revenue. At the time and place appointed, the officer making such seizure proceeds to sell the estate at public auction, offering the same at a minimum price, including the expense of making such levy, and all charges for advertising, and an officer's fee of $10. When the estate consists of several distinct tracts, each tract or parcel is offered for sale separately, and the officer, if he deems it advisable, apportions the expenses, charges, and fees aforesaid to such several tracts or parcels, or to any of them, in estimating the minimum price aforesaid. If no person offers for said estate the amount of said minimum price, the officer declares the same to be purchased by him for the United States; otherwise the same is declared to be sold to the highest bidder. In case the same is declared to be purchased for the United States, the officer immediately transmits a certificate of the purchase to the

Commissioner of Internal Revenue, and at the proper time executes a deed therefor, after its preparation, and the indorsement of approval as to its form, by the United States district attorney for the district in which the property is situate, and without delay causes the same to be duly recorded in the proper registry of deeds, and immediately thereafter transmits such deed to the Commissioner of Internal Revenue. The sale may be adjourned from time to time by said officer for not exceeding thirty days in all, if he thinks it advisable so to do. If the amount bid be not then and there paid, the officer forthwith proceeds to again sell said estate in the same manner.

All certificates of purchase and deeds of property purchased by the United States under the internal revenue laws on sales for taxes, or under executions issued from United States courts, found in the office of any collector, United States marshal, or United States district attorney, are immediately transmitted by such officers respectively to the Commissioner of Internal Revenue. For the preparation and approval by the United States district attorney of each deed, as above required, a fee of $5 is allowed to that officer, to be paid by the United States, and which he accounts for in his emolument returns.

The officer making the sale gives to the purchaser (who has paid the price) a certificate of purchase, setting forth the real estate purchased, for whose taxes the same was sold, the name of the purchaser, and the price paid therefor; and if the real estate is not redeemed, the collector or deputy-collector executes to the purchaser, upon surrendering the certificate, a deed of the real estate, reciting the facts set forth in the certificate, and in accordance with the laws of the state in which the real estate is situate upon the subject of sales of real estate under execution. This deed is *primâ facie* evidence of the facts therein stated; and, if the proceedings of the officer as set forth have been substantially in accordance with the provisions of law, is considered and operates as a conveyance of all the right, title, and interest the party delinquent had in and to the real estate thus sold at the time the lien of the United States attached thereto. Lands of such delinquents situated in any other collection district within the state in which the officer resides can be seized and sold. The delinquent has the right to pay the amount due, with costs, &c., at any time prior to the sale, and all further proceedings cease from the time of such payment.

The owners of real estate so sold, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, are permitted to redeem the land sold, or any particular tract thereof, at any time within one year after the sale thereof, upon payment to the purchaser, or in case he cannot be found in the county in which the land to be redeemed is situate, then to the collector of the district in which the land is situate for the use of the purchaser, his heirs, or assigns, the amount paid by the said purchaser, and interest thereon at the rate of 20 per centum per annum.

It is the duty of every collector to keep a record of all sales of land made in his district, whether by himself or his deputies, or by another collector, in which shall be set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed, and all proceedings in making such sale, amount of fees and expenses, the name of the purchaser and the date of the deed; and said record shall be

certified by the officer making the sale. On or before the fifth day of each succeeding month he transmits a copy of such record of the preceding month to the Commissioner of Internal Revenue. It is the duty of every deputy making sale as aforesaid to return a statement of all his proceedings to the collector, and to certify the record thereof. In case of the death or removal of the collector, or the expiration of his term of office from any other cause, said record is delivered to his successor in office. A copy of every such record, certified by the collector, is evidence in any court of the truth of the facts therein stated. When lands are redeemed, the collector makes entry of the fact upon the record, and such entry is evidence of such redemption. The collector may seize and sell, one after another, any property liable to seizure, until the claim of the United States due by the delinquent has been fully satisfied. The Commissioner of Internal Revenue, by regulation, determines the fees and charges to be allowed in all cases of distraint and other seizures, and has power to determine whether any expense incurred in making any distraint or seizure was necessary.

In any case where there has been a refusal or neglect to pay any tax, and it has become necessary to seize and sell real estate to satisfy the same, the Commissioner of Internal Revenue may direct a bill in Chancery to be filed in a district or circuit court of the United States, to enforce the lien of the United States for tax upon any real estate, or to subject any real estate owned by the delinquent, or in which he has any right, title, or interest, to the payment of such tax. All persons having liens upon, or claiming any interest in, such real estate, are made parties to the proceedings and brought into court, as provided in other suits in Chancery therein. And the court, at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceeds to adjudicate all matters involved therein, and finally determines the merits of all claims to and liens upon the real estate in question; and in all cases where a claim or interest of the United States therein is established, decrees a sale of such real estate by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States.

The Commissioner of Internal Revenue has charge of all real estate, the property of the United States by judgment of forfeiture under the internal revenue laws, or assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or vested in the United States by mortgage or other security for the payment of such debts, and of all trusts created for the use of the United States in payment of such debts due them; and, with the approval of the Secretary of the Treasury, may at public vendue, and upon not less than twenty days' notice, sell and dispose of all real estate owned or held by the United States as aforesaid. Until such sale, the Commissioner, with the approval of the Secretary, may lease such real estate on such terms and to such parties as they deem expedient. In cases where real estate has or may become the property of the United States by conveyance or otherwise in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt has been paid, together with interest thereon at the rate of 1 per cent per month, to the United States

within two years from the date of the acquisition of such real estate, it is lawful for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to release by deed, or otherwise convey, such real estate to the debtor from whom it was taken, or to his heirs or other legal representatives.

It is the duty of the collectors in their respective districts, subject to the provisions of law, to prosecute for the recovery of any sums which may be forfeited by law. All suits for fines, penalties, and forfeitures, where not otherwise provided for, are brought in the name of the United States in any proper form of action, or by any appropriate form of proceeding, *qui tam* or otherwise, before any circuit or district court of the United States for the district within which such fine, penalty, or forfeiture has been incurred, or before any other court of competent jurisdiction; and taxes may be sued for and recovered in the name of the United States, in any proper form of action before any circuit or district court of the United States for the district within which the liability for such tax is incurred, or where the party from whom such tax is due resides at the time of the commencement of the said action. No suit for the recovery of taxes, or of any fine, penalty, or forfeiture, is commenced unless the Commissioner of Internal Revenue authorises or sanctions the proceedings; provided that, in case of any suit for penalties or forfeitures, brought upon information received from any person other than a collector or deputy-collector, the United States are not subject to any costs of suit. It is the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to establish such regulations not inconsistent with law for the observance of revenue officers, district attorneys, and marshals, respecting suits arising under the internal revenue laws in which the United States is a party, as may be deemed necessary for the just responsibility of those officers and the prompt collection of all revenues and debts due and accruing to the United States under these laws. All judgments and moneys recovered or received for taxes, costs, forfeitures, and penalties are paid to collectors as internal taxes are required to be paid. Subject to regulations, the Commissioner may, on appeal to him, refund taxes, &c. No suit for the purpose of restraining the assessment or collection of any tax is maintained in any court. In case of a second assessment, no taxes collected can be recovered by any suit unless it is proved that the list, statement, or return which the collector, or his deputy, thought false or fraudulent, &c., was not so; and no suit is maintained in any court for the recovery of any internal tax, penalty, &c., until appeal has been duly made to the Commissioner and a decision had therein; but if no decision is had within six months from the date of such appeal, suit may be brought, without it, any time within two years next after the cause of action accrued. The Commissioner, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal revenue laws instead of commencing suit thereon; and with the advice and consent of the Secretary, and the recommendation of the Attorney-General, may compromise after suit has been actually brought; and in this case there is placed on file in the office of the Commissioner the opinion of the Solicitor of Internal Revenue, or of the officer acting as such, with his reasons therefor, with a statement of the amount of tax assessed, &c., and the amount actually paid.

Where any marshal or deputy-marshal of the United States within the district for which he is appointed finds any person or persons in the act of operating an illicit distillery, it is lawful for him to arrest such person or persons, and take them forthwith before a proper judicial officer who resides in the county of arrest, or, if none, in that nearest to the place of arrest, to be dealt with according to the provisions of law.

BANKS AND BANKERS, AND NATIONAL BANKS.

Every incorporated or other bank, and every person, firm, or company having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory-notes, or where stocks, bonds, bullion, bills of exchange, or promissory-notes are received for discount or for sale, is regarded as a bank or as a banker (*vide* United States Revised Statutes).

A tax of one-twelfth of 1 per centum each month is paid upon the average amount of circulation issued by any bank, association, corporation, company, or person, including as circulation all certified checks, and all notes and other obligations calculated or intended to circulate or to be used as money, but not including that in the vault of the bank or redeemed and on deposit for said bank; and an additional tax of one-sixth of 1 per centum each month is paid upon the average amount of such circulation issued as aforesaid beyond the amount of 90 per centum of the capital of any such bank, &c. In the case of banks with branches, the tax is assessed upon the circulation of each branch severally, and the amount of capital of each branch is considered to be the amount allotted to it. The capital of any state bank or banking association which has ceased to exist, or has been converted into a national bank, is assumed to be the capital as to it existed immediately before it ceased or was converted as aforesaid. Whenever the outstanding circulation of any bank is reduced to an amount not exceeding 5 per cent of the chartered or declared capital existing at the time the same was issued, said circulation is free from taxation; and whenever any bank which has ceased to issue notes for circulation deposits in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury prescribes, it is exempt from any tax upon such circulation. By the laws of February 8, 1875, chap. 36, every person, firm, association other than national bank associations, and every corporation, state bank, or state banking association, pays a tax of 10 per cent on the amount of their own notes used for circulation and paid out by them; and every such person, firm, association, state bank, or state banking association, and also every national banking association, pays a like tax of 10 per cent on the amount of notes of any person, firm, association other than a national banking association, or of any corporation, state bank, or state banking association, or of any town, city, or municipal corporation, used for circulation and paid out by them.

A true and complete return of the monthly amount of circulation of deposits and of capital (which does not include money borrowed or received from day to day, in the usual course

of business, from any person not a partner of or interested in the said bank, association, or firm), and of the monthly amount of notes of persons, town, city, or municipal corporation, state banks, or state banking associations, paid out as aforesaid for the previous six months, is made and rendered in duplicate on the first day of December and the first day of June by each of such banks, associations, corporations, companies, or persons, with a declaration annexed thereto under the oath of such person, or of the president or cashier of such bank, &c., in such form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amounts subject to tax as aforesaid: one copy is transmitted to the collector of the district in which any such bank, association, corporation, or company is situated, or in which such person has his place of business, and one copy to the Commissioner. In default of such returns, the amounts are estimated by the Commissioner upon the best information he can obtain; and for any refusal or neglect to make return and payment, the defaulter shall pay a penalty of $200, besides the additional penalty and forfeitures provided in other cases.

National banks or associations for carrying on the business of banking may be formed by any number of natural persons, not less in any case than five, who enter into articles of association which specify in general terms the object for which the association is formed, and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles are signed by the persons uniting to form the association, and a copy of them is forwarded to the Comptroller of the Currency, to be filed and preserved in his office. The organisation certificate made under the hands of the parties uniting to form the association specifically states (1) the name of the association, which is subject to the approval of said Comptroller; (2) the place where its operations of discount and deposit are to be carried on, designating the state, territory, or district, and the particular county and city, town, or village; (3) the amount of capital stock, and the number of shares into which it is to be divided; (4) the names and places of residence of the shareholders, and the number of shares held by each of them; (5) the fact that the certificate is made to enable such persons to avail themselves of the advantages of the national bank laws. The organisation certificate is acknowledged before a judge of some court of record, or notary public; and is, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the Comptroller of the Currency, who records and carefully preserves it in his office. Upon duly making and filing articles of association, and an organisation certificate, the association becomes, as from the date of the execution of the organisation certificate, a body corporate; and as such, and in the name designated in the organisation certificate, has power (1) to adopt and use a corporate seal; (2) to have succession for the period of twenty years, unless sooner dissolved, according to the provisions of its articles of association, or by the act of its shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law; (3) to make contracts; (4) to sue and be sued, complain and defend in any court of law and equity, as fully as natural persons; (5) to elect or appoint directors, and by its board of directors to appoint a presi-

dent, vice-president, cashier, and other officers, define their duties, require bonds of them, and fix the penalty thereof, dismiss such officers at pleasure, and appoint others; (6) to prescribe by its board of directors by-laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed; (7) to exercise by its board of directors or duly authorised officers or agents, subject to law, all such incidental powers as are necessary to carry on the business of banking, by discounting and negotiating promissory-notes, drafts, bills of exchange, and other evidences of debt, by receiving deposits, by buying and selling exchange coin and bullion, by loaning money on personal security, and by obtaining, issuing, and circulating notes according to the provisions of the national bank laws. But no association shall transact any business except such as is incidental and necessarily preliminary to its organisation, until it has been authorised by the Comptroller of the Currency to commence the business of banking. A national bank can purchase, hold, and convey real estate for the following purposes only—(1) such as is necessary for its immediate accommodation in the transaction of its business; (2) such as is mortgaged to it in good faith by way of security for debts previously contracted; (3) such as is conveyed to it in satisfaction of debts previously contracted in the course of its dealings; (4) such as it purchases at sales under judgments, decrees, or mortgages held by the association, or purchases to secure debts due to it. But no such bank shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased for a longer period than five years.

No such association shall be organised with a less capital than $100,000, except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organised in any place the population of which does not exceed 6000 inhabitants. No association shall be organised in a city the population of which exceeds 50,000 persons with a less capital than $200,000. The capital stock is divided into shares of $100 each, deemed personal property, and transferable on the books of the association as the by-laws or articles of association prescribe. No change is made in the articles of association by which the rights, remedies, or security of existing creditors of the association are impaired. At least 50 per cent of the capital stock must be paid up before the association is authorised to commence business, and the remainder is paid by instalments of at least 10 per cent monthly from the time it is authorised to commence business; and the payment of each instalment shall be certified to the Comptroller under oath by the president or cashier of the association. From time to time, as deemed expedient, the capital may be increased, if the articles of association provide for such increase. But the maximum of such increase is determined by the Comptroller. By the vote of shareholders owning two-thirds of the capital stock, the capital may be reduced to any sum not below the amount required to authorise the formation of associations as stated, but the outstanding circulation has to be provided for, and the proposed reduction must first be approved by the Comptroller of the Currency. Each share has a vote, and voting can be by proxies in writing. The affairs of each asso-

ciation are managed by not less than five directors elected by the shareholders at a meeting held at any time before the association is authorised by the Comptroller to commence business, and afterwards at meetings held on such day in January of each year as is specified therefor in the articles of association. The directors hold office for one year, and until their successors are elected and have qualified. Every director must, during his whole term of service, be a citizen of the United States; and at least three-fourths of them must have resided in the state, territory, or district in which the association is located for at least one year immediately preceding their election, and must be residents therein during their continuance in office. Every director must own in his own right at least ten shares of his bank; and when he ceases to own that number, or becomes in any other manner disqualified, he thereby vacates his place. When appointed or elected, each director takes an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of the national bank laws; and that he is the owner in good faith, and in his own right, of the number of shares of stock required by said laws, not hypothecated or pledged in any way. The oath to this effect, subscribed by the director and verified by the officer before whom it is taken, is immediately transmitted to the Comptroller of the Currency, and filed and preserved in his office.

The shareholders of every national banking association are individually responsible, equally and ratably, and not for one another, for all contracts, debts, and engagements of such association to the extent of the amount of their stock therein, at par value, in addition to the amount invested in such shares; but shareholders of any banking association, under state laws at 3d June 1864, having not less than 5 millions of dollars of capital actually paid in, and a surplus of 20 per cent on hand, both determined by the Comptroller of the Currency, are liable only to the amount invested in their shares, the said surplus to be kept undiminished and to be in addition to the surplus fund of 20 per cent which national banks have to accumulate by setting aside one-tenth of net profits of the preceding half-year, before the declaration of a dividend, and to keep. Persons holding stock as executors, administrators, guardians, or trustees, are not personally subject to any liabilities as stockholders. National banks designated by the Secretary of the Treasury as depositaries of public money (except receipts from customs), or employed as financial agents of the Government, have to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the deposited public money, and for the faithful performance of duties as financial agents. State banks can be organised as national banks.

By the Act of July 12, 1882, any national banking association organised under the national bank laws may at any time within two years of the date of expiration of its corporate existence, with approval of the Comptroller of the Currency, extend its period of existence by amending its articles of association for an additional term of not more than twenty years. This amendment shall be authorised by the consent in writing of shareholders owning not less than two-thirds of the capital stock, and the board of directors shall cause such consent to be certi-

fied, under the seal of the association, by its president or cashier, to the Comptroller, accompanied by an application made by the president or cashier for his approval thereof; and such amended articles shall not be valid until the Comptroller gives to such association a certificate, under his hand and seal, that the association has complied with all the provisions required to be complied with, and is authorised to have succession for the extended period named in the amended articles of association. Any shareholder not assenting to such amendment may give notice in writing to the directors, within thirty days from the date of the certificate of approval, of his desire to withdraw from the association, in which case he is entitled to receive from said banking association the value of the shares held by him, ascertained by an appraisal made by a committee of three persons,—one selected by him, one by the directors, and the third by the first two, the shareholder having right to appeal to the Comptroller of the Currency.

Every association organised under the national bank laws, before it is authorised to commence business, has to transfer and deliver to the Treasurer of the United States registered bonds bearing interest to an amount not less than $30,000, and, where the capital is $150,000 or less, not less than one-fourth of such capital stock, or, where it is over $150,000, one-third. Upon this deposit being made, the association making it is entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned as provided by law, equal in amount to 90 per cent of the current market value, not exceeding par, of the United States bonds so transferred and delivered. The Secretary of the Treasury receives deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums not less than $20, and issues certificates therefor in denominations of not less than $20 each, corresponding to the denominations of United States notes. The coin so deposited is retained in the Treasury for the payment of these certificates on demand; and these certificates are receivable for customs, taxes, and all public dues, and are not reissued. The Treasurer, or any assistant treasurer of the United States, may receive deposits of authorised silver dollars of 412½ grains weight (Troy standard), in sums of not less than $10, and give therefor certificates of not less than $10 each. The coin remains in the Treasury to redeem the certificates on demand. The certificates are receivable for customs, duties, taxes, and all public dues, at their nominal value. The gold certificates are not to be paid in silver. The gold and silver certificates may form part of a bank's lawful reserve. Any association desiring to withdraw its circulating notes in whole or in part may, upon the deposit of lawful money with the Treasurer of the United States, in sums of not less than $9000, take up the bonds it has on deposit (leaving not less than $50,000); but no national bank so doing is entitled to receive any increase of its circulation for the period of six months from the time it made such deposit of lawful money for said purpose, provided not more than 3 millions of dollars of lawful money be deposited during any calendar month for this purpose.

The amount of United States notes outstanding, and to be used as a part of the circulating medium, is not to exceed the sum of 382 million dollars; which said sum shall appear in each monthly statement of the public debt, and no part thereof be held or used as a reserve.

After any association receiving circulating notes has caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory-notes payable on demand at its place of business, it may issue and circulate them as money, and the same shall be received at par in all parts of the United States, in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports, and also for all salaries, and other debts and demands owing by the United States, to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. No national bank issues post notes or any other notes to circulate as money. Any national bank or association may go into liquidation, and be closed by the vote of its shareholders owning two-thirds of its stock.

The Comptroller of the Currency in his 1886 annual report to Congress, in treating of the question whether the present national bank system should be preserved, and, if so, whether it is good enough as it is, or whether it can be improved, stated that the National Currency Act of February 12, 1863, was controlled as to its purposes by the paramount necessity of inducing banks and other capitalists to become purchasers of Government bonds, under conditions that would give a basis of solid value to the currency then being paid out in immense volume under the pressure of military exigencies; hence the consolidation of these banks into a national banking system adapted to commercial and industrial needs appears only as a subordinate incident in the general scheme. Subsequently the effort of legislation has been to subordinate the issuing of currency in the more important functions performed by the banks as institutions of discount and deposit. If the system could be preserved purely as one of deposit and discount, there would probably arise an almost universal sentiment in favour of bestowing upon its preservation immediate and careful attention, but it is doubtful whether the banks would find sufficient inducement to remain in the system without enjoying some privileges as to the issue of currency, and it has been questioned whether there is power under the Constitution for the charter of national banks, except as instrumentalities for a money circulation. It follows, therefore, that any legislation directed to the improvement and permanent establishment of the national banking system must include some provision for the maintenance of a national bank circulation; while, on the other hand, it appears that whatever opposition exists to the national banks, attaches to them mainly as banks of issue, and, under the United States system of Government, nothing can be regarded as permanently established until it has obtained the support of a well-settled public opinion. Hence it is evident that the problem now to be solved is how to remodel the currency features of the national bank system, so as to obtain popular approval of them. Objections to the present national bank currency appear to be comprised within three classes, namely—(1) a general objection to paper money in any form; (2) an objection to national bank-notes, based upon the assumption that they take the place of an equal amount of paper money that might be issued directly upon the credit of the Government; (3) the objection that a currency, determined in volume by a definite percentage upon deposited securities of high value, can never possess the flexibility and elasticity of volume which

are the chief commercial advantages of a bank currency in any form. Against these objections it is answered: 1. That the question as to having paper money at all is not at present a practical one, because it is evident that the people of the United States will have paper money in one form or another; and that of all forms of paper money of which they have had any experience, the present national bank currency is the least objectionable, even to those who think that all such money should be avoided. 2. That while a bank currency, based on Government bonds and redeemable in greenbacks, may be considered as a kind of Government money on which the banks are getting the profit, yet without this privilege, or some other equivalent to it, the national bank system could never have been established, nor could it now be maintained, and that this is the cheapest price at which any banking system, so good in all respects, and so valuable as this has proved to be, can be established and maintained. Another argument is, that the Government must pay interest upon its bonds, whether these are held by the banks or not, hence the profit to the banks on these bonds has been obtained without charge on the Treasury; while, on the other hand, if the banks had not been offered sufficient inducement to invest in these bonds, many more of them would have gone abroad at low prices, and the country, as a whole, would have been so much the worse off. 3. That the want of flexibility in the currency, and of elasticity of volume, are consequences arising from the scarcity of bonds, and the high prices to which they have risen, and that this could not have been foreseen, nor provided against in the original Acts, but may now be remedied by proper legislation.

President Cleveland, in his annual message at the opening of Congress upon 6th December 1886, said that the sum paid upon the public debt during the fiscal year ending June 30, 1886, was $44,551,048.36. During the twelve months ended October 31, 1886, 3 per cent bonds were called for redemption, amounting to $127,283,100, of which $80,643,200 were so called to answer the requirements of the law relating to the sinking fund, and $46,639,900 for the purpose of reducing the public debt by application of a part of the surplus in the Treasury to that object. Of the bonds thus called, $102,269,450 became subject under such calls to redemption prior to November 1, 1886; the remainder, amounting to $25,018,650, matured under the calls after that date. In addition to the amount subject to payment and cancellation prior to November 1, 1886, there were also paid before that day certain of these bonds, with the interest thereon, amounting to $5,072,350, which were anticipated as to their maturity, of which $2,664,850 had not been called. Thus, $107,841,800 had been actually applied prior to the 1st of November 1886 to the extinguishment of the bonded and interest-bearing debt, leaving on that day still outstanding the sum of $1,153,448,112. Of this amount, $86,848,700 were still represented by 3 per cent bonds. They, however, have been since November 1, or will at once be, further reduced by $22,606,150, being bonds which have been called as already stated, but not redeemed and cancelled before the latter date.

Returning to the Comptroller's annual report, it seems that 3580 national banks had then been organised in all: 2858 were then in operation, and of these, 174 had been organised during the last year, with a capital of $21,000,000; bonds, $3,700,000; circulation, $2,900,000.

During the year 24 banks went into voluntary liquidation, 1 ceased to exist by expiration of charter, and 8 failed. The creditors of 2 of these banks were paid in full, principal and interest. In 2 cases dividends reached 50 per cent, in 1 case 75 per cent, and in 1 case 20 per cent: 8 banks were finally wound up, and their accounts closed, leaving 25 insolvent banks in the hands of receivers. Since the beginning of the system in 1863, only 112 national banks had then failed. Of these, 36 paid their creditors in full, and 20 paid interest besides, and 5 in part. The total number of shares of stock in national banks, in every state and territory, was 7,000,000, and the total number of shareholders 223,000. Over 40 per cent of the stock was held by residents of the state in which the bank was located; more than 91 per cent of the stock was held by natural persons, and over 96 per cent of the number of shareholders were natural persons. Among corporations holding stock, savings banks, trust companies, and insurance companies held the greatest amount. More than half the entire number of shareholders held 10 shares or less, about one-third held over 10 but less than 50, while a little more than one-ninth of the whole body held more than 50 shares. The contraction in national bank circulation during the year exceeded $56,000,000, which was alleged to be the effect of the reduction of the public debt and the high premium on bonds. The aggregate deposits in the banks had increased from $522,000,000 in January 1866 to $1,173,000,000 in October 1886. Loans and discounts had risen from $500,000,000 at the former date to $1,443,000,000 at the latter date. The specie held by the national banks in 1866 was $19,000,000; in October 1875, $8,000,000; in July 1885, $177,000,000; October 1886, $156,000,000.

According to the annual report of the Secretary of the Treasury, the public debt stood, at the end of the fiscal year in 1886, thus:—

I. The unfunded debt—	
United States legal tender notes . . .	$346,000,000
II. The funded debt—	
Loan of 1882, 3 per cents	64,000,000
Loan of 1891, 4½ per cents	250,000,000
Loan of 1907, 4 per cents	738,000,000

GOLD AND SILVER PRODUCTION AND CURRENCY.

In his annual message to Congress, the President stated that "during the fiscal year ended June 30, 1866, there were coined, under the Compulsory Silver Coinage Act of 1878, 29,838,905 silver dollars, and the cost of the silver used in such coinage was $28,448,960.01. There had been coined up to the close of the previous fiscal year under the provisions of the law, 203,882,554 silver dollars, and on the 1st day of December 1886, the total amount of such coinage was $247,181,549. The Director of the Mint reports that at the time of the passage of the law of 1878 directing this coinage, the intrinsic value of the dollars thus coined was 94¼ cents each, and that on the 31st day of July 1886 the price of silver reached the lowest stage ever known, so that the intrinsic or bullion price of our standard silver dollar at that date was less than 72 cents. The price of silver on the 30th day of November last

was such as to make these dollars intrinsically worth 78 cents each. These differences in value of the coins represent the fluctuations in the price of silver, and they certainly do not indicate that compulsory coinage by the Government enhances the price of that commodity, or secures uniformity in its value. Every fair and legal effort has been made by the Treasury Department to distribute this currency among the people. The withdrawal of the United States Treasury notes of small denominations, and the issuing of small silver certificates, have been resorted to in the endeavour to accomplish this result, in obedience to the will and sentiments of the representatives of the people in the Congress. On the 27th day of November 1886, the people held of these coins, or certificates representing them, the nominal sum of $166,873,041, and we still had $79,464,345 in the Treasury, as against about $142,894,055 or so in the hands of the people, and $72,865,376 remaining in the Treasury one year ago. The Director of the Mint again urges the necessity of more vault-room for the purpose of storing these silver dollars which are not needed for circulation by the people."

The report of the Director of the Mint on the production of gold and silver in the United States during the year 1885 stated that the production of gold was estimated at $31,800,000, an increase of $1,000,000 over the estimate for the calendar year 1884. The production of silver for the calendar year 1885, calculated at the coining rate in silver dollars, was estimated at $51,600,000, as against $48,800,000 in 1884, an increase of $2,800,000. Colorado remained first, California remained second, largest producer of the precious metals. The production in Montana had increased from $9,000,000 in 1884 to nearly $13,500,000 in 1885, and in Idaho the increase had been from $3,970,000 in 1884 to $5,300,000 in 1885. Nevada, Utah, New Mexico, and Dakota hold their own, while the production of Arizona had slightly decreased. The coinage executed during the calendar year at the coinage mints consisted of 47,544,521 pieces of the face value of $56,926,810. Of this amount 3,002,313 pieces, valued at $27,773,012, consisted of gold coin, and 31,925,544 pieces, valued at $28,962,176, of silver coin, the remainder minor coin. The number of silver dollars coined during the calendar year 1885 was $28,697,767. In addition to the coinage, gold and silver bars of the value of $27,490,095 were manufactured by the mints and assay offices during the year.

The total value of the bullion and coin imported into the United States during the calendar year was $41,418,129, of which $8,322,909 consisted of bullion, and $33,095,120 of coin. Of the total imports, $23,645,311 consisted of gold, and $17,772,718 of silver. The total exports of gold and silver from the United States during the same year were $44,697,749, of which $11,417,207 were gold, and $33,280,542 silver. The United States gained $12,228,104 by net importation of gold.

The Director of the Mint estimated the amount of gold coin in the United States on January 1, 1886, to have been $533,485,453; of silver dollars, $218,259,761; subsidiary silver, $75,034,111, or a total stock of coin of $826,779,325. Of the stock of gold coin, the United States Treasurer held, over and above outstanding gold certificates, $75,434,379, and the national banks, $156,353,592, including Treasury and clearing-house certificates. 1015 state banks and trust companies held, November 1,

1885, $31,255,789, which left in the hands of the people and other banks, $270,441,693. Of the silver dollars which have been coined, the United States Treasury owns) not represented by silver certificates) $72,538,725; the national banks, $6,940,628. The amount owned by private individuals and other banks (including those in the Treasury represented by certificates outstanding) was $138,780,408. Of the subsidiary silver, about $27,000,000 was in the Treasury, and $47,000,000 outstanding.

According to the 1886 report of the United States Treasurer to the Secretary of the Treasury, worn and mutilated United States notes amounting to $63,000,000 were forwarded to the Treasury for redemption, and new notes to a like amount were issued in their place. The issue of silver certificates amounted to $4,600,000, and $28,523,971 were redeemed. Gold certificates amounting to $10,188,895 were redeemed. The amount to the credit of disbursing officers of the Government on the books of the Treasury at the close of the year was $17,947,107, of which $15,331,354 were on deposit in the Treasury, and $2,615,753 in the national bank depositories. The unavailable funds of the Treasury on June 30, 1886, were $29,521,379, a decrease of $8946 from last year. The balance in the Treasury at the close of the year ending September 30, 1886, was $100,055,775, an increase over that of 1885 of $16,815,636. The available balance was $72,913,141, against $58,922,191 last year, an increase of $13,990,949. The total amount of debts outstanding at the close of the fiscal year was $346,681,016. The then business season, which began much earlier than usual, the Treasurer said, absorbed a large amount of currency, and this increased movement had not ceased at the date of his report. Since July 1 there had been shipped from the Treasury and other points, $49,426,733, of which amount $23,346,205 were in legal tender notes, $13,540,096 were in silver certificates, $9,291,728 in standard dollars, and $3,096,614 in fractional silver coin. The reduction of the available Treasury balance during the same period was $35,097,553. During the same period there was an increase of $14,476,258 in the circulation of gold certificates; an increase of $17,403,592 in the circulation of silver certificates; an increase of $21,612,780 in gold and bullion in the Treasury; an increase of $4,657,557 in standard silver dollars in the Treasury; and an increase of $6,679,872 in legal tender notes in the Treasury. The amount of silver certificates nominally outstanding at the close of the fiscal year was $115,977,675, of which the Treasury held $27,861,450, leaving $88,116,225 in actual circulation, a decrease of $13,414,721 during the year. The amount nominally outstanding on June 30, 1886, had since been added to by the demands of reviving business to the extent of $3,679,427; the amount held by the Treasury decreased to $14,137,285; and the amount in circulation at November 30 was $105,519,817. The amount of fractional silver coin held by the Treasury on June 30, 1885, was $31,236,899, which decreased during the fiscal year to $28,904,681. The amount held on November 30 was $25,808,067, showing an increased demand for these coins, caused by the revival of business. At the close of the fiscal year the Treasury held $877,814 in minor coins, a decrease during the year of $490,651. The amount nominally on hand at November 30 was $168,584, but of this $145,286 was uncurrent, and held by the mint for recoinage, leaving actually available $16,848.

COINAGE, WEIGHTS, AND MEASURES.

Gold Coins of the United States.

$1	piece	. . . . .	25$\frac{8}{10}$	grains, standard weight.
2½	piece, or quarter-eagle	. .	64½	" " "
3	piece	. .	77$\frac{4}{10}$	" " "
5	piece, or half-eagle	. . .	129	" " "
10	piece, or eagle .	. . .	258	" " "
20	piece, or double-eagle .	. . .	516	" " "

Any gold coins in the Treasury of the United States, when reduced in weight by natural abrasion more than one-half of 1 per cent below the standard weight prescribed by law, are recoined.

Silver Coins of the United States.

Dollar, or 100-cent piece, of 412½ grains, standard weight.
Half-dollar, or 50-cent piece, of 12½ grams.
Quarter-dollar, or 25-cent piece, of one-half of 12½ grams.
Dime, or 10-cent piece, of one-fifth of 12½ grams.

The standard for both gold and silver coins is such that of 1000 parts by weight, 900 are of pure metal, 100 of alloy. The alloy of the silver is copper; that of the gold, copper or copper and silver, but the silver in no case exceeds one-tenth of the whole alloy. The trade dollar (which is not now a legal tender, has long been much below its nominal value, and is now rarely seen) was 420 grains troy. The devices and legends upon the coins are: upon one side of each coin an impression emblematic of liberty, with an inscription of the word "liberty" and the year of the coinage; and upon the reverse side of each of the gold and silver coins the figure or representation of an eagle, with the inscription "United States of America," and a designation of the value of the coin.

Minor Coins of the United States.

5-cent piece—weight, 77$\frac{16}{100}$	grains troy.		
3	"	"	30 "
1	"	"	48 "

The alloy for the 5-cent piece and 3-cent piece is composed of ¾ copper, ¼ nickel; that for the 1-cent piece, 95 per cent of copper and 5 per cent of tin and zinc, in such proportions as the Director of the Mint determines.

Any owner of silver or gold bullion may deposit the same at any Mint to be formed into coin or bars for his benefit. Each parcel deposited is assayed by the assayer. The charge for converting standard gold bullion into coin is one-fifth of 1 per cent. The charges for converting silver into coin, refining, toughening, for copper as an alloy, for separating gold and silver, and for the preparation of bars, are fixed, from time to time, by the Director, with the concurrence of the Secretary of the Treasury, so as to equal, but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labour, wastage, and use of machinery employed in each of the cases stated.

The money of account of the United States is expressed in dollars or units,

dimes or tenths, cents or hundredths, and mills or thousandths, each being a tenth, hundredth, or thousandth part of a dollar or unit.

The value of foreign coins, as expressed in the money of account of the United States, is that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world are estimated annually by the Director of the Mint, and proclaimed on the first day of January by the Secretary of the Treasury. In all payments by or to the Treasury (according to sec. 3565 of the United States Revised Statutes), whether made here or in foreign countries, where it becomes necessary to compute the value of the sovereign or pound sterling, it is deemed equal to four dollars, eighty-six cents, and six and one-half mills ($4.86\frac{1}{0}\frac{6}{0}\frac{5}{0}$). This rule applies to appraising merchandise, and in the construction of contracts. And this valuation is the par of exchange between Great Britain and the United States. All foreign gold and silver coins received by the United States in payment for moneys due are not issued in circulation, but coined anew. Foreign coins are not a legal tender in payment of debts.

The Director of the Mint estimates, and the Secretary of the Treasury proclaims, on 1st January in each year, the values of the foreign coins of the world to be taken in estimating the value of all foreign merchandise imported into the United States on or after that date. The values of the following coins were, owing to the decline in the value of silver in London, changed as at 1st January 1887 from their respective values of the previous years, thus: Austria, florin, from 37.1 to 35.9; Bolivia, boliviano, from 75.1 to 72.7; Ecuador, sucre, from 75.1 to 72.7; India, rupee, from 85.7 to 84.6; Japan, silver yen, from 81.0 to 78.4; Mexico, dollar, from 81.6 to 79.0; Peru, sol, from 75.1 to 72.7; Russia, rouble, from 60.1 to 58.2; Tripoli, mahbub, from 67.7 to 65.6; United States Columbia, peso, from 75.1 to 72.7.

United States notes are of such denominations, not less than one dollar, as the Secretary of the Treasury may prescribe, do not bear interest, are payable to bearer, and are in such form as the Secretary deems best. When returned to the Treasury, they may be reissued. They are a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

The following tables are recognised in the construction of contracts and in all legal proceedings:—

MEASURES OF LENGTH.

Metric Denominations and Values.		Equivalents in Denominations in use.
Myriameter	10,000 meters	6.2137 miles.
Kilometer	1,000 "	0.62137 miles, or 3.280 feet and 10 inches.
Hectometer	100 "	328 feet and 1 inch.
Dekameter	10 "	393.7 inches.
Meter	1 "	39.37 "
Decimeter	$\frac{1}{10}$ of a meter	3.937 "
Centimeter	$\frac{1}{100}$ "	0.3937 "
Millimeter	$\frac{1}{1000}$ "	0.0394 "

Measures of Capacity.

Metric Denominations and Values.			Equivalents in Denominations in use.	
Names.	Number of Liters.	Cubic Measure.	Dry Measure.	Liquor or Wine Measure.
Kiloliter or Stere	1000	1 cubic meter	1.308 cubic yards.	264.17 gallons.
Hectoliter	100	$\frac{1}{10}$ of a cubic meter	2 bushels and 3.35 pecks	26.417 "
Dekaliter	10	10 cubic decimeters	9.08 quarts	2.6417 "
Liter	1	1 cubic decimeter	0.908 "	1.0567 quarts.
Deciliter	$\frac{1}{10}$	$\frac{1}{10}$ of a cubic decimeter	6.1022 cubic inch.	0.845 gills.
Centiliter	$\frac{1}{100}$	10 cubic centimeters	0.6102 "	0.338 fluid ounces.
Milliliter	$\frac{1}{1000}$	1 cubic centimeter	0.061 "	0.27 fluid drams.

Measures of Surface.

Metric Denominations and Values.		Equivalents in Denominations in use.
Hectare	10,000 square meters	2.471 acres.
Are	100 "	119.6 square yards.
Centare	1 "	1550 square inches.

Weights.

Metric Denominations and Values.			Equivalents in Denominations in use.
Names.	Number of Grams.	Weight of what quantity of water at maximum density.	Avoirdupois Weight.
Millier or Tonneau	1,000,000	1 cubic meter	2204.6 pounds.
Quintal	100,000	1 hectoliter	220.46 "
Myriagram	10,000	10 liters	22.046 "
Kilogram or Kilo	1,000	1 liter	2.2046 "
Hectogram	100	1 deciliter	3.5274 ounces.
Dekagram	10	10 cubic centimeters	0.3527 "
Gram	1	1 cubic centimeter	15.432 grains.
Decigram	$\frac{1}{10}$	$\frac{1}{10}$ of a cubic centimeter	1.5432 "
Centigram	$\frac{1}{100}$	10 cubic millimeters	0.1543 "
Milligram	$\frac{1}{1000}$	1 cubic millimeter	0.0154 "

REVENUE AND EXPENSES.

President Cleveland, in his annual message to Congress, delivered on 6th December 1886, said: "The report of the Secretary of the Treasury exhibits in detail the condition of the public finances and of the several branches of the Government related to his department. I especially direct the attention of the Congress to the recommendations contained in this and the last preceding report of the Secretary touching the simplification of the laws relating to the collection of our revenues, and in the interests of economy and justice to the Government I hope they may be adopted by appropriate legislation.

"The ordinary receipts of the Government for the fiscal year ended June 30, 1886, were $336,439,727.06. Of this amount $192,905,023.41 were received from customs, and $116,805,936.48 from internal revenue. The total receipts as here stated were $13,749,020.68 greater than for the previous year, but the increase from customs was $11,434,084.10, and from internal revenue $4,407,210.94, making a gain in these items for the last year of $15,841,295.04—a falling off in other resources reducing the total increase to the smaller amount mentioned.

"The expense at the different custom-houses of collecting this increased customs revenue was less than the expense attending the collection of such revenue for the preceding year by $490,608, and the increased receipts of internal revenue were collected at a cost to the Internal Revenue Bureau of $155,944.99 less than the expense of such collection for the previous year.

"The total ordinary expenses of the Government for the fiscal year ended June 30, 1886, were $242,483,138.50, being less by $17,788,797 than such expenditures for the year preceding, and leaving a surplus in the Treasury at the close of the last fiscal year of $93,956,588.56, against $63,463,771.27 at the close of the previous year, being an increase in such surplus of $30,492,817.29.

"The expenditures are compared with those of the preceding fiscal year and classified as follows:—

	Year ending June 30, 1886.	Year ending June 30, 1885.
For civil expenses	$21,955,604.04	$23,826,942.11
For foreign intercourse	1,332,320.88	5,439,609.11
For Indians	6,099,158.17	6,552,494.63
For pensions	63,404,864.03	56,102,267.49
For the military, including river and harbour improvements and arsenals	34,324,152.74	42,670,578.47
For interest on debt	13,907,887.74	16,021,079.69
For the District of Columbia	2,892,321.89	3,499,650.95
Miscellaneous expenditures, including the public buildings, lighthouses, and collecting the revenue	47,986,683.04	54,728,056.21

"For the current year to end June 30, 1887, the ascertained receipts up to October 1, 1886, with such receipts estimated for the remainder of the year, amount to $356,000,000.

"The expenditures ascertained and estimated for the same period are $266,000,000, indicating an anticipated surplus at the close of the year of $90,000,000.

"The total value of the exports

from the United States to foreign countries during the fiscal year is stated and compared with the preceding year as follows:—

	For the year ending June 30, 1886.	For the year ending June 30, 1885.
Domestic merchandise	$665,964,529	$726,682,946
Foreign merchandise	13,560,301	15,506,809
Gold	42,952,191	8,477,892
Silver	29,511,219	33,753,633

"The value of some of the leading exports during the last fiscal year, as compared with the value of the same for the year immediately preceding, is here given, and furnishes information both interesting and suggestive:—

	For the year ending June 30, 1886.	For the year ending June 30, 1885.
Cotton and cotton manufactures	$219,045,576	$213,799,049
Tobacco and its manufactures	30,424,908	24,767,305
Breadstuffs	125,846,558	160,370,821
Provisions	90,625,216	107,332,456

"Our imports during the last fiscal year, as compared with the previous year, were as follows:—

	1886.	1885.
Merchandise	$635,436,136	$579,580,053
Gold	20,743,349	26,691,696
Silver	17,850,307	16,550,627"

The Secretary of the Treasury, in his annual report to Congress in 1886, estimated the receipts and expenditures as follows:—

REVENUE, ACTUAL AND ESTIMATED, FOR THE FISCAL YEAR 1886-87.

SOURCE.	Quarter ended Sept. 30, 1886.	Remaining three-fourths of the year.	Total.
Customs	$59,177,586.50	$150,822,413.50	$210,000,000.00
Internal Revenue	28,930,043.94	87,069,956.06	116,900,000.00
Sale of public lands	1,827,781.46	4,172,218.54	6,000,000.00
Tax on national banks	1,252,498.57	1,247,501.43	2,500,000.00
Repayment of interest and sinking fund Pacific railway companies	516,195.02	1,483,804.98	2,000,000.00
Customs fees, fines, penalties, &c.	232,998.88	767,001.12	1,000,000.00
Fees-consular, letters-patent, and lands	814,359.39	2,685,640.61	3,500,000.00
Proceeds of sales of Government property	48,508.21	201,491.79	250,000.00
Profits on coinage, assays, &c.	582,694.65	4,417,305.35	5,000,000.00
Deposits for surveying public lands	34,961.79	215,038.21	250,000.00
Revenues of the District of Columbia	287,915.70	1,712,084.30	2,000,000.00
Miscellaneous sources	1,240,048.46	6,259,951.54	7,500,000.00
Total receipts	$94,945,592.57	$261,054,407.43	$356,000,000.00

EXPENDITURE, ACTUAL AND ESTIMATED, FOR THE SAME PERIOD.

OBJECT.	Quarter ended September 30, 1886.	Remaining three-fourths of the Year.	Total.
Civil miscellaneous expenditure	$20,213,300	$58,065,023	$78,278,323
Indians	1,621,973	4,878,026	6,500,000
Pensions	20,401,137	47,598,862	68,000,000
Military establishment	9,726,804	30,273,195	40,000,000
Naval establishment	4,603,230	12,396,769	17,000,000
Expenditure on account of the District of Columbia	1,287,415	2,212,584	3,500,000
Interest on Public Debt	13,210,226	33,789,773	47,000,000
Sinking Fund	31,588,465	3,625,052	35,213,517
Judgments Court of Alabama Claims	5,721,076	...	5,721,076
Total ordinary expenditure	$108,573,629	$192,839,887	$301,213,517

Total receipts	$356,000,000.00
Total expenditures	301,213,517.21
Estimated surplus	$54,786,482.79

The following table shows the changes in the interest-bearing debt during the year ended October 31, 1886 :—

Title of Loan.	Rate per cent.	Outstanding November 1, 1885.	Outstanding October 31, 1886.
Loan, July 12, 1882	3	$194,190,500	$86,848,700
Funded loan, 1891	4½	250,000,000	250,000,000
Funded loan, 1907	4	737,740,350	737,776,400
Refunding accounts	4	223,800	194,500
Navy Pension Fund	3	14,000,000	14,000,000
		$1,196,154,650	$1,088,819,600
Bonds issued to Pacific Railroad		64,623,512	64,623,512
Total		$1,260,778,162	$1,153,443,112

The reduction in the annual interest charge, by reason of the changes made during the year ended October 31, 1886, was as follows :—

On bonds redeemed, or which had ceased to bear interest	$3,220,254
Deduct the interest on $6750, 4 per cent bonds issued	270
Net reduction	$3,219,984

BUREAU OF NAVIGATION.

In 1884 a Bureau of Navigation was constituted in the Treasury Department of the United States, under the immediate charge of a Commissioner of Navigation. This commissioner, under the direction of the Secretary of the Treasury, has general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen were not, under existing laws, subject to the supervision of any other officer of the Government. He is specially charged with the decision of all questions relating to the issue of registers, enrolments, and licences of vessels, and to the filing and preserving of these documents. He is charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and of designating their official number; and on all questions of interpretation growing out of the execution of the laws relating to these subjects, and relating to the collection of tonnage-tax, and to the refund of such tax when collected erroneously or illegally, his decision is final. He annually prepares and publishes a list of vessels of the United States belonging to the commercial marine, specifying the official number, signal letters, names, rig, tonnage, home-port, and place and date of building of every vessel, distinguishing in such list sailing-vessels from such as may be propelled by steam or other motive power. He also reports annually to the Secretary of the Treasury the increase of vessels of the United States, by building or otherwise, specifying their number, rig, and motive power. He also investigates the operations of the laws relative to navigation, and annually reports to the Secretary of the Treasury such particulars as may in his judgment admit of improvement or may require amendment. He is empowered, under the direction of the Secretary of the Treasury, to change the names of vessels of the United States, under such restrictions as are prescribed by Act of Congress. The Commissioner of Navigation is appointed by the President of the United States, with the advice and consent of the Senate, and receives a salary of $4000 per annum.

COMMERCE AND NAVIGATION.

Vessels registered pursuant to law, and no others, except such as are duly qualified according to law for carrying on the existing trade and fisheries, or one of them, are deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they do not enjoy the same longer than they continue to be wholly owned by citizens, and to be commanded by a citizen of the United States. Officers of vessels of the United States are in all cases to be citizens of the United States. Vessels built within the United States, and belonging wholly to citizens thereof, and vessels captured in war by citizens and lawfully condemned as prize, or adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by citizens and no others, may be registered as directed by the laws concerning commerce and navigation. No vessel is entitled to be registered, or if registered, to the benefits of registry, if owned in whole or in part by any

citizen of the United States who usually resides in a foreign country, during the continuance of such residence, unless he be a consul of the United States, or an agent for and a partner in some house of trade or copartnership consisting of citizens of the United States actually carrying on trade within the United States. No vessel is entitled to be registered as a vessel of the United States, or, if registered, to the benefits of registry, if owned in whole or in part by any person naturalised in the United States, and residing for more than one year in the country from which he originated, or for more than two years in any foreign country, unless such person be a consul or other public agent of the United States. But this does not prevent the registering anew of any vessel before registered, in case of a sale thereof in good faith to any citizen resident in the United States, satisfactory proof of the citizenship of the purchaser being exhibited to the collector before a new register is granted for such vessel. The Secretary of the Treasury may issue a register or enrolment for any vessel built in a foreign country, whenever such vessel is wrecked in the United States and is purchased and repaired by a citizen of the United States, if it be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired. Registers for vessels owned by any incorporated company are issued in the name of the president or secretary of such company, and the register is not vacated or affected by sales of any shares of stock in such company; and upon the death, removal, or resignation of the president or secretary, a new register is taken out for the vessel. Every vessel, except as specially provided for, is registered by the collector of that collection district which includes the port to which the vessel belongs at the time of her registry, which is deemed to be that at or nearest to which the owner, or, if there be more than one, the husband or acting and managing owner of the vessel, usually resides.

Previous to the registry of any vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties to the satisfaction of the collector of the district, whose duty it is to make such registry, give bond to the United States, if such vessels be of burden not exceeding 50 tons, in $400; if of burden above 50 tons and not exceeding 100 tons, in $800; if over 100 tons and not over 200 tons, $1200; if over 200 tons and not over 300 tons, $1600; if over 300 tons, $2000. The conditions of this bond are that the certificate of registry shall be solely used for the vessel for which it was granted, and shall not be sold, lent, or otherwise disposed of to any person whomsoever: and that if the vessel be lost or taken by an enemy, burned or broken up, or otherwise prevented from returning to the port, or it become wholly or partly owned by a foreigner, the certificate shall, if preserved, be duly delivered up to the collector of the port of registry. Whenever a citizen purchases or becomes owner of any vessel entitled to be registered, such vessel, being within any district other than the one in which he usually resides, is entitled to be registered by the collector of the district where she may be at the time of his becoming her owner. If a registered vessel is sold or transferred in whole or in part by way of trust, confidence, or otherwise to an alien, and such sale or transfer be not duly made known, the vessel, together with her tackle, apparel, and furniture, is forfeited; but the share of a citizen, wholly ignorant of the sale or trans-

fer to such alien, is not subject to forfeiture. There are other provisions aimed against aliens owning any interest in registered vessels.

The collector of each district progressively numbers the certificates of registry granted by him, beginning anew at the commencement of each year, and enters an exact copy of each certificate in a book kept for that purpose; and once in three months transmits to the Register of the Treasury copies of all certificates granted by him, including the number of each. The Secretary of the Treasury provides a system of numbering vessels registered, enrolled, and licensed, and each vessel has her number and her net tonnage deeply carved, or otherwise permanently marked, on her main beam, and if at any time she ceases to be so marked, she is liable to a fine on every arrival in a port of the United States. The name of every registered vessel and of her port of registry (meaning the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built, or where one or more of the owners reside) must be painted on her stern on a black ground in white, yellow, or gilt letters of not less than three inches in length, under a penalty of $50, one-half going to the informant, the other to the use of the United States. No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States is issued, except to vessels duly registered or enrolled and licensed as vessels of the United States, or to vessels wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents. No bill of sale, mortgage, hypothecation, or conveyance of any vessel or part of any vessel of the United States, is valid against any person other than the grantor or mortgager, his heirs and devisees, and persons having actual notice thereof, unless such bill be recorded in the office of the collector of the customs where the vessel is registered or enrolled. The lien by bottomry on any vessel, created during her voyage by a loan of money or materials necessary to repair or enable her to prosecute a voyage, does not, however, lose its priority, or is in any way affected by these provisions. The bills of sale, &c., to be recorded, must be duly acknowledged before a notary public or other officer duly authorised to take acknowledgments.

The master or person having the charge or command of any vessel bound to a foreign port delivers to the collector of the district a manifest of all the cargo on board and its value, subscribed and sworn to by him, whereupon the collector grants a clearance for the vessel and her cargo. If any vessel bound to a foreign port depart without delivering such manifest, and obtaining a clearance, the master or other person having charge or command is liable to a penalty of $500. The Secretary of the Treasury is authorised to refuse a clearance to any vessel or other vehicle laden with merchandise destined for a foreign or domestic port, whenever he has satisfactory reason to believe that such merchandise or any part thereof, whatever be its ostensible destination, is intended for ports in possession or under control of insurgents against the United States; and if any vessel for which a clearance or permit has been thus refused depart, or attempt to depart, without being duly cleared or permitted, such vessel, with her tackle, apparel, furniture, and cargo, is forfeited. Whenever a permit or clearance is granted for either a foreign or domestic port, the collector of the customs granting the same can require a bond to be executed by the

master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to his satisfaction that the cargo shall be delivered at the destination for which it is cleared or permitted, and no part thereof be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States.

A duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is imposed at each entry on all vessels which are entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or the Sandwich Islands, or Newfoundland; and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is imposed at each entry upon all vessels which are entered in the United States from any other foreign ports, not, however, to include vessels in distress or not engaged in trade. But the President can suspend the collection of so much of this duty on vessels entered from any foreign port as may be in excess of the tonnage and lighthouse dues, or other equivalent tax or taxes, imposed in said port on American vessels by the Government of the foreign country in which such port is situated, and from time to time indicates by proclamation the ports to which this suspension applies, and the rate or rates of tonnage duty, if any, to be collected under the suspension. This proclamation also excludes from the benefits of the suspension the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on the vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of the country in which such port is situated, or on the cargoes of such vessels. The President can also by proclamation suspend commercial privileges to vessels of a foreign country which denies the same to United States vessels, and then, the master or agent of any vessel of that country doing any act prohibited, the vessel and its rigging, tackle, furniture, and boats, and all the goods on board, are liable to seizure and to forfeiture to the United States; and persons opposing, or aiding and abetting in such opposition to, the enforcement of this seizure, forfeit each $800, and, guilty of a misdemeanour, are, upon conviction, liable to imprisonment for a term not exceeding two years. The Governments of foreign countries are invited to co-operate with the United States in abolishing all lighthouse-dues, tonnage-taxes, or other equivalent tax or taxes on, and all other fees for official services to, the vessels of the respective nations employed in the trade between the ports of such foreign country and the ports of the United States.

When a vessel is built in the United States for foreign account, wholly or partly of foreign materials, on which import duties have been paid, there is allowed on such vessel, when exported, a drawback equal in amount to the duty paid on such materials, ascertained under such regulations as may be prescribed by the Secretary of the Treasury. Ten per centum of the amount of this drawback, however, is retained for the use of the United States by the collector paying the same. All lumber, timber, hemp, manilla, wire, rope, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal, which may be necessary for the construction and equipment of vessels built in the United States for foreign account and ownership, or for the

purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and for vessels of the United States employed in the fisheries or in the whaling business, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose, no duties are paid thereon. But vessels receiving this benefit are not allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate has been allowed. No vessels built in the United States for foreign account and ownership are allowed to engage in the coastwise trade of the United States. By the United States laws of 1884, all articles of foreign production needed, and actually withdrawn from bonded warehouses, for supplies, not including equipment, of vessels of the United States engaged in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be so withdrawn free of duty, under such regulations as the Secretary of the Treasury may prescribe; and, by sec. 15 of chap. 421 laws of 1886, this is made to apply to vessels of the United States employed in the fisheries or in the whaling business, in the same manner as to vessels of the United States engaged in the foreign trade.

No owner of a vessel is liable for loss by fire happening to or on board the vessel, unless such fire was caused by the design or neglect of such owner. The liability of the owner of a vessel for any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board, or for any loss, damage, or injury by collision, or for any matter or thing lost, damage or forfeiture done, occasioned, or incurred, without the privity or knowledge of such owner, in no case exceeds the amount or value of the interest of such owner in the vessel and her freight then pending; and in cases of general average, if the owner transfers his interest in the vessel and freight for the benefit of the claimants to a trustee appointed by any court of competent jurisdiction to act as trustee for the person proved legally entitled thereto, all claims and proceedings against the owner so doing cease. The charterer of a vessel, where he mans, victuals, and navigates a vessel at his own expense or by his own procurement, is deemed the owner of such vessel, and his liability is limited as that of an owner, and the chartered vessel is liable in the same manner as if navigated by the owner thereof. These provisions do not take away or affect the remedy to which any party is entitled against the master, officers, or seamen for or on account of any embezzlement, injury, loss, or destruction of merchandise or property put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel. By sec. 18 of chap. 121 of the laws of 1884, the individual liability of a shipowner is limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessel and freight pending, provided that this shall not affect the liability of any

owner incurred previous to the passage of this Act, nor prevent any claimant from joining all the owners in one action: nor shall the same apply to wages due to persons employed by said shipowners. By sec. 4 of chap. 421 of the laws of 1886, these provisions relating to the limitations of the liability of the owners of vessels are made to apply to all seagoing vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal-boats, barges, and lighters.

The Secretary of the Treasury appoints a commissioner, called a shipping commissioner, for each port of entry, which is also a port of ocean navigation, and which in his judgment may require the same; and he may, from time to time, remove from office any such commissioner whom he has reason to believe does not properly perform his duty. Every shipping commissioner hears and decides any question whatsoever between a master, consignee, agent, or owner and any of his crew, which both parties agree in writing to submit to him; and every award so made by him is binding on both parties, and in legal proceedings is deemed conclusive. Any document under the hand and official seal of a commissioner, purporting to be such submission or award, is *primâ facie* evidence thereof. Shipping commissioners render monthly a full, exact, and itemised account of their receipts and expenditures to the Secretary of the Treasury. Shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel. It is lawful for any seaman to stipulate in his shipping agreement for an allotment of all or any portion of the wages which he may earn to his wife, mother, or other relative, or to an original creditor in liquidation of any just debt for board or clothing which he has contracted prior to engagement, not exceeding $10 per month for each month of the time usually required for the voyage for which the seaman has shipped, under such regulations as the Secretary of the Treasury may prescribe; but no allotment to any other person or corporation is lawful. It is unlawful in any case to pay any seaman wages before leaving the port at which he engages, in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to pay any person, other than an officer authorised by Act of Congress to collect fees for such service, any remuneration for the shipment of seamen. Payment of such advance wages or remuneration in no case, except as mentioned above, absolves the vessel or owner after the same have been actually earned, and is no defence to a libel suit or action for the recovery of such wages. These provisions apply to foreign vessels; and any foreign vessel, the master, owner, consignee, or agent of which violates the law, or induces or connives at the violation, is refused a clearance from any port of the United States. The master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or, on the return of said vessel to the

United States, may reship such seaman for another voyage in the same vessel without the payment of additional fees.

All masters of vessels of the United States bound to some port of the same are required to take destitute seamen on board their vessels at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding $10 for each person for voyages of not more than thirty days, and not exceeding $20 for longer voyages, as may be agreed between the master and the consular officer when the transportation is by a sailing-vessel, and the regular steerage passenger rate, not to exceed 2 cents per mile, when the transportation is by steamer. The consular officer issues certificates for such transportation, which are assignable for collection. If any destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer certifies this in the certificate of transportation, and such additional compensation is paid as the first comptroller of the Treasury deems proper. Every master who refuses to receive and transport such seamen, on the request or order of the consular officer, is liable to the United States in a penalty of $100 for each seaman so refused. The certificate of any consular officer, given under his hand and official seal, is presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master is obliged to take a greater number than one man to every 100 tons burden of the vessel on any one voyage, or to take any seaman having a contagious disease.

It is the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power, and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where deserters are apprehended, the consular officer inquires into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, he discharges the seaman, and requires the master of the vessel to pay one month's wages over and above the wages then due; and the officer discharging such seaman enters upon the crew-list and shipping-articles the cause of discharge and the particulars in which the cruelty or unusual treatment consisted, and the facts as to his discharge or re-engagement, as the case may be, and subscribes his name thereto officially. If any consular officer, when discharging any seaman, neglects to require the payment of and collect the arrears of wages and extra wages required to be paid in case of the discharge of any seaman, he is accountable to the United States to the full amount thereof. If any seaman after his discharge has incurred any expense for board or other necessaries at the place of his discharge, before shipping again, or for transportation to the United States, such expense is paid out of the arrears of wages and extra wages received by the consular officer, which are retained for that purpose, and the balance only is paid over to such seaman.

Every steamship which is under sail and not under steam is considered a sailing-ship, and every steamship which is under steam, whether under sail or not, is considered a ship under steam. This is the definition given in an Act to adopt the "Revised International Regulations for Preventing Collisions at Sea," dated March 3, 1885, which rules and regulations are to be followed in the navigation of all public and private vessels of the

United States upon the high seas, and in all coast waters of the United States, except such as are otherwise provided for. These exceptions are the navigation of vessels of the United States within the harbours, lakes, and inland waters of the United States. According to the United States Revised Statutes (sec. 4399), every vessel propelled in whole or in part by steam is deemed a steam-vessel within the meaning of the title "Regulation of Steam-vessels." All steam-vessels navigating any waters of the United States, which are common highways of commerce, or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, are subject to the provisions of said title. All coastwise sea-going vessels, and vessels navigating the great lakes, are subject to the navigation laws of the United States when navigating within the jurisdiction thereof; and all vessels propelled in whole or in part by steam, and navigating as aforesaid, are subject to all the rules and regulations established, in pursuance of law, for the government of steam-vessels in passing; and every coastwise sea-going steam-vessel, subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, is, when under way, except on the high seas, under the control and direction of pilots licensed by the inspectors of steamboats.

There is a supervising inspector-general, who is appointed from time to time by the President, by and with the advice and consent of the Senate, and is selected with reference to his fitness and ability to systematise and carry into effect all the provisions of law relating to the steamboat inspection service. Under the direction of the Secretary of the Treasury, he superintends the administration of the steamboat inspection laws, presides at the meetings of the board of supervising inspectors, receives all reports of inspectors, reports fully at stated periods to the Secretary of the Treasury upon all matters pertaining to his official duties, and produces a correct and uniform administration of the inspection laws, rules, and regulations. There are ten supervising inspectors appointed by the President, by and with the advice and consent of the Senate, each of them selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and a competent judge of the character and qualities of steam-vessels, and of all parts of the machinery employed in steaming. The supervising inspectors and the supervising inspector-general assemble as a board once in each year at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of the Treasury prescribes, for joint-consultation. The Secretary assigns to each of the supervising inspectors the limits of territory within which he is to perform his duties. The board establishes all necessary regulations required to carry out in the most effective manner the provisions of law, and these regulations, when approved by the Secretary of the Treasury, have the force of law. Each supervising inspector watches over all parts of the territory assigned to him, visits, confers with, and examines into the doings of the local boards of inspectors within his district, and instructs them in the proper performance of their duties; and, whenever he thinks it expedient, visits any vessels licensed, and examines into their condition, for the purpose of ascertaining whether the provisions of law have been observed and complied with, both by the board of inspectors and the masters and

owners. All masters, engineers, mates, and pilots of such vessels shall answer all reasonable inquiries and give all the information in their power in regard to any such vessel so visited, and her machinery, and the manner of managing both. Whenever a supervising inspector ascertains to his satisfaction that any master, mate, engineer, pilot, or owner of any steam-vessel, fails to perform his duties according to law, he reports the fact in writing to the board of local inspectors in the district where the vessel was inspected or belongs, and, if need be, causes the negligent or offending party to be prosecuted. If the supervising inspector has good reason to believe that the board which inspected the vessel failed to do its duty, he reports the facts in writing to the Secretary of the Treasury, who immediately causes an investigation to be made.

An inspector of hulls and an inspector of boilers are appointed in each of a number of collection districts, and, in addition, the Secretary of the Treasury appoints in such districts where their services are actually required assistant inspectors, and also a clerk to any board. Whenever any vacancy occurs in any local board of inspectors, or whenever local inspectors are to be appointed for a new district, the supervising inspectors notify the collector or other chief officers of the customs for the district, and the judge of the district court, for the district in which such appointment is to be made, who, together with the supervising inspector, meet together as a board of designators and fill the vacancy or new inspectorship. No appointment of an inspector of hulls or of boilers is made without the concurrence of the supervising inspector. The inspector of hulls and the inspector of boilers thus designated, when approved by the Secretary of the Treasury, constitute, from the date of designation, a board of local inspectors. The supervising inspectors see that the several boards of local inspectors within their respective districts execute their duties faithfully, promptly, and, as far as possible, uniformly in all places, and they, as far as practicable, harmonise differences of opinion in different local boards.

The local inspectors, at least once in every year, upon application in writing by the master or owner, carefully inspect the hull of each steam-vessel within their respective districts, and satisfy themselves that every vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has adequate accommodation for passengers and crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, anchors, cables, and other things, are faithfully complied with; and, if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment. They also inspect the boilers of all steam-vessels before the same are used, and once at least in every year thereafter. They subject all boilers to hydrostatic pressure test, and satisfy themselves that the boilers and machinery and appurtenances may be employed in the service proposed in the written application without peril to life. When the inspection is completed, and the inspectors approve the vessel and her equipment throughout, they make and subscribe a certificate to the collector or other chief officer of the customs of the district, and verify it by oaths. If they refuse to grant a certificate of approval, they make

a statement in writing, giving the reason for their disapproval, and sign it. The original certificates of inspectors are retained on file by the collector or other chief officer of the customs, and three certified copies are given to the master or owner of the vessel. Two of these copies are framed in glass and placed in conspicuous places in the vessel, and the other is retained by the master or owner as evidence of the authority thereby conferred.

The hull and boilers of every ferry-boat, canal-boat, yacht, or other small craft of like character, propelled by steam, are inspected; and such other provisions of law for the better security of life as may be applicable to such vessels are, by the regulations of the board of supervising inspectors, also required to be complied with before a certificate of inspection is granted. No such vessel shall be navigated without a licensed engineer and a licensed pilot.

The hull and boiler of every tug-boat, towing-boat, and freight-boat are inspected; and the inspectors see that their boilers, machinery, and appurtenances are not dangerous in form or workmanship, and are conform to law. The officers navigating such vessels are licensed in conformity with law, and are subject to the same provisions of law as officers navigating passenger-steamers.

The boards of local inspectors license and classify the masters, chief-mates, engineers, and pilots of all steam-vessels; and it is unlawful to employ any person, or for any person to serve as a master, chief-mate, engineer, or pilot on any steamer who is not licensed by the inspectors. Whenever any person applies to be licensed as master of a steam-vessel, the inspectors make diligent inquiry as to his character, and carefully examine the applicant, as well as the proofs which he presents in support of his claim; and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can be safely intrusted with the duties and responsibilities of the station for which he makes application, they grant him a licence authorising him to discharge such duties on any such vessel for the term of one year. This licence may be suspended or revoked for cause. The chief-mate, engineer, and pilot of steam-vessels must satisfy the inspectors as to their respective capacities, &c., before getting licensed; and they and masters, before entering upon their respective duties, have respectively to make oath before one of the inspectors, to be recorded with the certificate, that they respectively will faithfully and honestly, according to their best skill and judgment, without concealment or reservation, perform all the duties required of them respectively by law. Their licences are framed under glass, and placed in some conspicuous place in their respective vessels.

No state or municipal government shall impose upon pilots of steam-vessels any obligation to procure a state or other licence in addition to that issued by the United States, or any other regulations which will impede such pilots in the performance of the duties required by the United States laws; nor shall any pilot charges be levied by any such authority upon any steamer piloted as provided by the United States laws; and in no case shall the fees charged for the pilotage of any steam-vessel exceed the customary or legally established rates in the state where the same is performed. But the regulations established by the laws of any state requiring vessels entering or leaving a port in any such state, other than coastwise steam-vessels, to take

a pilot duly licensed or authorised by the laws of such state, or of a state situate upon the waters of such state, are not annulled or affected by the said United States regulations.

Any alien who has duly declared his intention to become a citizen of the United States, and has been a permanent resident of the United States for at least six months immediately prior to the granting of such licence, may be licensed, as if already naturalised, to serve as an engineer or pilot upon any steam-vessel, subject to inspection as described.

No steamer carrying passengers shall depart from any port unless she has in her service a full complement of licensed officers and a full crew, and the requirements of law as to the number of passengers carried, and all other respects, must be complied with. The master keeps a correct list of all the passengers received and delivered from day to day, noting the places where received and landed, which record is open to the inspection of the inspectors and officers of the customs at all times; and the aggregate number of passengers is furnished to inspectors as often as called for. But on routes not exceeding 100 miles the number of passengers, if kept, is sufficient. Dangerous articles (which are particularised) of freight or of stores are not to be carried on passenger-steamers, and there are minute provisions as to watchmen, boats, life-boats, life-preservers, fire-buckets, stairways, gangways, &c., &c. Every steam-vessel of the United States, in addition to having her name printed on her stern, has the same conspicuously placed in distinct plain letters of not less than six inches in length on each outer side of the pilot-house, if she has such, and, in case she has side wheels, also on the outer side of each wheel-house.

All foreign private steam-vessels carrying passengers from any port of the United States to any other place or country are subject to most of the provisions of law as to inspection and the transportation of passengers and merchandise, and are liable to visitation and inspection by the proper officer in any of the ports of the United States. The Secretary of the Treasury appoints officers, designated as special inspectors of foreign steam-vessels, who perform their duties and make reports to the supervising inspector-general of steam-vessels under such regulations as the Secretary prescribes.

Every vessel of the United States going to any foreign country is, at the request of the master, furnished by the collector for the district where such vessel may be with a passport, the form for which is prescribed by the Secretary of State. But the master of such vessel has to bind himself with sufficient sureties to the Treasurer of the United States in the penalty of $2000, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States, or within six months if the same happen at any place nearer than the Cape of Good Hope, and within eighteen months if at a more distant place. The master of any vessel of the United States departing therefrom, bound to any foreign country other than to some port in America, without such passport, is liable to a penalty of $200 for each such offence. Every unregistered vessel owned by a citizen of the United States, and sailing with a sea-letter, going to any foreign country, before she departs from the United States is, at the request of the master, furnished by

the collector of the district where she may be with a passport, for which the master is subjected to the rules and conditions prescribed for vessels of the United States. On arrival at a foreign port, the master deposits his register, sea-letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at such port; and it is the duty of the consul, &c., on the master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers. Every master of any vessel who refuses or neglects to deposit the papers as required is liable to a penalty of $500, to be recovered by such consul, &c., in his own name for the benefit of the United States in any court of competent jurisdiction.

DOMESTIC COMMERCE.

Vessels of 20 tons and upward enrolled in pursuance of law and having a licence in force, or vessels of less than 20 tons, which, although not enrolled, have a licence in force as required by law, and no others, are deemed vessels of the United States entitled to the privileges of vessels employed in the coasting trade or fisheries.

To be enrolled, the vessel must possess the same qualifications, and the same requirements in all respects must be complied with as are required before registering a vessel; and the same powers and duties are conferred and imposed upon all officers respectively, and the same proceedings are had in enrolment of vessels, as are prescribed for similar cases in registering; and vessels enrolled with the masters or owners thereof are subject to the same requirements as are prescribed for registered vessels. Enrolments and licences for vessels may be issued in the name of the president or secretary (who takes the oath) of any incorporated company which owns the vessel, without designating the names of the persons composing such company; and upon the death, removal, or resignation of such president or secretary, a new enrolment and licence is taken out therefor. Any steamboat employed or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien resident within the United States, may be enrolled and licensed as if the same belonged to a citizen of the United States, subject to all the provisions of law, except that no oath is required that the boat belongs to a citizen of the United States. Such resident alien, owner of any steamboat, upon application for enrolment or licence, gives bond to the collector of the district for the use of the United States in the penalty of $1000, with sufficient surety conditioned that the boat shall not be employed in other waters than the rivers and bays of the United States.

Any vessel of the United States navigating the waters on the northern, north-eastern, and north-western frontiers otherwise than by sea, is enrolled and licensed in such form as other vessels; and such enrolment and licence authorise any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry is required for vessels so employed. In every other respect such vessel is

liable to the regulations and penalties relating to registered and licensed vessels. Canal-boats, or boats employed on the internal waters or canals of any state, and all such boats excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with Canada, are exempt from enrolment and licence.

In order to the licensing of any vessel for carrying on the coasting trade or fisheries, the husband or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same, becomes bound to pay to the United States, if such vessel be of the burden of 5 tons and less than 20 tons, the sum of $100; and if 20 tons and not exceeding 30 tons, $200; and if above 30 tons and not exceeding 60 tons, $500; and if above 60 tons, $1000—in case it appears, within two years from the date of the bond, that such vessel has been employed in any trade whereby the revenue of the United States has been defrauded during the time the licence granted to such vessel remained in force. The master of such vessel shall also swear that he is a citizen of the United States, and that such licence shall not be used for any other vessel or any other employment than that for which it is specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessel be less than 20 tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it is the duty of the collector of the district comprehending the port whereto such vessel belongs to grant a licence.

There are provisions for the enrolment and licensing of registered vessels upon the registry being given up, and *vice versa;* also for changing the district of enrolment, &c. No licence is considered in force any longer than the vessel is owned, and of the description set forth in the licence, or for carrying on any other business or employment than that for which she is specially licensed. The licence has to be given up to the collector who granted it within three days after the expiration of the time for which it was granted, if the vessel be within the district, or if absent at that time, within three days after her first arrival within the district; or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district, taking his certificate therefor. The master is liable to a penalty of $50 for neglecting or refusing to deliver up the licence; but in case of loss or destruction, the master can, by taking a prescribed oath, avert this penalty. Renewals of licences can be got.

In every case when the collector grants any enrolment, licence, certificate, permit, or other document, the naval officer residing at the port, if there be one, signs the same, and every surveyor who certifies a manifest, or grants any permit, or who receives any certified manifest or any permit, as is provided for, makes return thereof monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides. The collector of each district progressively numbers the licences by him granted, beginning anew at the commencement of each year, and makes a record thereof in a book kept for that purpose, and once in three months transmits to the Register of the Treasury copies of the licences granted by him, and also of such licences as have been given up or returned by him. Whenever any vessel is licensed or enrolled

anew, or being licensed or enrolled, is afterwards registered, or being registered, is afterward enrolled or licensed, she is in every such case enrolled, licensed, or registered by her former name. Every licensed vessel must have her name and the port to which she belongs painted on her stern in the manner prescribed for registered vessels, under a penalty of $20. The Secretary of the Treasury may authorise the surveyor of any port of delivery to enrol and license vessels to be employed in the coasting trade and fisheries, in like manner as collectors of ports of entry are authorised to do.

No merchandise shall be transported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States in a vessel belonging wholly or in part to a subject of any foreign power; but this does not prohibit the sailing of any foreign vessel from one to another port of the United States, provided no merchandise other than imported in such vessel from some foreign port, and which has not been unladen, is carried from one port or place to another in the United States. The master of such foreign vessel must in all cases, previous to her departure, deliver to the collector of the district duplicate manifests of the cargo on board, or if none, make oath thereto, and obtain a permit from the collector authorising him to proceed to the place of his destination.

The sea-coast and navigable rivers of the United States are divided into three great districts: the first includes all the collection districts on the sea-coasts and navigable rivers between the eastern limits of the United States and the southern limits of Georgia; the second includes all those between the river Perdido and the Rio Grande; and the third includes all those between the southern limits of Georgia and the river Perdido.

Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel and the master thereof, with the goods she may have on board previous to her departure from the district where she may be, and also upon her arrival in any other district, is subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers as are provided for vessels licensed for carrying on the coasting trade. But this does not extend to registered vessels of the United States having on board merchandise of foreign growth or manufacture, brought into the United States in such vessel from a foreign port, and on which the duties have not been paid according to law.

Whenever any vessel licensed for carrying on the fishery is intended to touch and trade at any foreign port, it is the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be previous to her departure, and the master of every such vessel delivers like manifests and makes like entries both of the vessel and of the merchandise on board within the same time and under the same penalty as are by law provided for vessels of the United States arriving from a foreign port. A vessel licensed to carry on the fisheries, when found within three leagues of the coast with merchandise of foreign growth or manufacture exceeding the value of $500, without having permission as stated, is, together with the merchandise of foreign growth or manufacture imported therein, subject to seizure and forfeiture.

All steam-tug boats not of the

United States found employed in towing documented vessels of the United States plying from one port or place in the same to another are liable to a penalty of 50 cents per ton on the measurement of every such vessel so towed by them respectively, to be recovered by way of libel or suit; but this does not apply where the towing in whole or in part is within or upon foreign waters. Any foreign railroad company or corporation whose road enters the United States by means of a ferry or tug boat may own such boat, and it is subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States.

Every vessel of 20 tons or upwards, entitled to be documented as a vessel of the United States, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, and every vessel of less than 20 tons, and not less than 5 tons burden, found trading or carrying on the fishery, as aforesaid, without a licence, is liable to a fine of $30 at every port of arrival without such enrolment or licence. But if the licence expired while the vessel was at sea, and there has been no opportunity to renew it, the fine is not incurred. Foreign vessels found transporting passengers between places or ports in the United States, when such passengers have been taken on board in the United States, are liable to a fine of $2 for every passenger landed.

No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one state to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting such animals from one state to another, shall confine them in cars, boats, or vessels of any description, for a longer period than twenty-eight consecutive hours without unloading them for rest, water, and feeding, for a period of, at least, five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received is included, it being the intention to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies stated. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners or masters of boats, or vessels transporting them, at the expense of the owner or person in custody thereof; and such company, owners, or masters, in such case, have a lien upon such animals for food, care, and custody furnished, and are not liable for any detention of such animals. Any company, owner, or custodian who knowingly and willingly fails to comply, is subject to a penalty of not less than $100, nor more than $500; but when animals are carried in cars, boats, or other vessels, in which they can and do have proper food, water, space, and opportunity to rest, these provisions as to unloading do not apply.

REGULATION OF FISHERIES.

The master of any vessel of the burden of 20 tons or upwards, qualified according to law for carrying on the bank and other cod fisheries, or the mackerel fishery, bound from a port of the United States to be employed in any such fishery at sea, before proceeding on his fishing voyage, has to make an agreement in writing with every fisherman employed, except only an apprentice or servant of himself or owner, and in addition to such terms of shipment as may be agreed on, express whether the same is to continue for one voyage or for the fishing season; and also express that the fish, or the proceeds of such fishing voyage or voyages, which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. This agreement shall be indorsed or countersigned by the owner of the fishing vessel or his agent. If any fisherman, having so engaged himself and signed an agreement therefor, thereafter, and while such agreement remains in force and to be performed, deserts or absents himself from such vessel, without leave of the master thereof, or of the owner or his agent, such deserter is liable to the same penalties as deserting seamen are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and the costs can be deducted out of the deserter's share of fish or proceeds. Every fisherman so engaged, who during the fishing voyage refuses or neglects his proper duty on board the fishing vessel, being thereto ordered or required by the master thereof, or otherwise resists his just demands, to the hindrance or detriment of the voyage, besides being answerable for all damages arising thereby, forfeits, to the use of the owner of the vessel, his share of any public allowance which may be paid upon such voyage. When such a fishing agreement is made and signed, and any fish caught are delivered to the owner, or to his agent, for cure, and sold, the vessel, for the term of six months after such sale, is liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable and may be proceeded against, for the wages of seamen or mariners in the merchant service. The owner or his agent must, in such proceedings, produce a just account of the sales and division of such fish, according to the agreement or contract; otherwise the vessel is answerable for what may be the highest value of the shares demanded. But the owner or his agent may, upon appearing to answer, offer his account of supplies therefor made to either of the demandants, and is allowed to produce evidence thereof in answer to their demands respectively. When process is issued against any vessel so liable, there is an immediate discharge of the vessel, if the owner or his agent give bond to each fisherman instituting it, with sufficient security to the satisfaction of two justices of the peace, of whom one is named by the owner or his agent, and the other by the fisherman or fishermen pursuing such process; or if either party refuses, then the justice first appointed names his associate, with condition to answer and pay whatever sum is recovered. This provision does not prevent any fisherman proceeding by action at common law.

YACHTS.

The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure-vessels, and designed as models of naval architecture, if entitled to be enrolled as American vessels, to be licensed on terms which will authorise them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such licences are in the form the Secretary prescribes. The owner of any such vessel, before taking out a licence, has to give a bond in the form and for the amount the Secretary of the Treasury prescribes, conditioned that the vessel shall not engage in any unlawful trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Vessels so enrolled and licensed are not allowed to transport merchandise or carry passengers for pay, and are in all respects, except as above stated, subject to the laws of the United States, and are liable to seizure and forfeiture for any violation of the provisions of law. All such licensed yachts use a signal of the form, size, and colour prescribed by the Secretary of the Navy; and the owners thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts. For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht, belonging to any regularly organised and incorporated yacht club, stating the exemption and privileges enjoyed under it, may be issued by the Secretary of the Treasury, and is a token of credit to any United States official, and to the authorities of any foreign Power, for privileges enjoyed under it. Every yacht visiting a foreign country under the above stated provisions shall, on her return to the United States, make due entry at the custom-house of the port at which on such return she shall arrive.

Yachts belonging to a regularly organised yacht club of any foreign nation, which extends like privileges to the yachts of the United States, have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof, or paying tonnage-tax.

LIFE-SAVING SERVICE.

By the United States laws of 1854, 1871, 1873, and 1874, which are embodied in the United States Revised Statutes, the Secretary of the Treasury might establish such stations on the coasts of Long Island and New Jersey, for affording aid to shipwrecked vessels thereon, and might make such changes in the location of the existing stations, and make such repairs, and furnish such apparatus and supplies as might in his judgment be best adapted to the preservation of life and property from such shipwrecked vessels. He might employ at each of these stations a keeper, with a salary of $200; also a superintendent, who should have the powers and perform the duties of an inspector of customs for each of the said coasts; and he might also employ crews of experienced surfmen at such stations on the coasts of Long Island and New Jersey, for

such periods as he might deem necessary and proper, with pay of not over $40 each a-month. He might also establish such stations at such lighthouses as in his judgment he should deem best, and the keepers of such lights should take charge of such boats and apparatus as he might put in their charge respectively, as a part of their official duties. No boat was to be purchased and located under these provisions at any point other than on the coasts of Long Island and New Jersey, unless they were placed in the immediate care of an officer of the Government, or unless bond was given by proper individuals living in the neighbourhood, conditioned for the care and preservation of the same, and its application to the uses intended. The Secretary of the Treasury might appoint a keeper for each of the ten life-saving stations on the coasts of Cape Cod, Massachusetts, and Block Island, Rhode Island, and employ crews of experienced surfmen, with similar salaries to those mentioned. He was to provide for the establishment of ten life-saving stations on the coasts of Maine, New Hampshire, and Massachusetts, Virginia, and North Carolina, at such points as he might deem necessary, provided that all life-saving stations thereafter erected should be erected under the supervision of two captains of the revenue service to be designated by him, and to be under his direction.

By the Act of June 20, 1874, chap. 344, intituled, "An Act to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the Life-Saving Service," the Secretary of the Treasury was authorised to establish life-saving stations, lifeboat stations, and houses of refuge at or near the vicinity of named points upon the sea and lake coasts of Delaware, Maryland, Virginia, Florida, Washington Territory, Oregon, California, Lake Ontario, Lake Erie, Lake Huron, Lake Michigan, and Lake Superior; and to appoint one superintendent for the coasts of Delaware and Virginia, one for Florida, one for Lakes Erie and Ontario, one for Lakes Huron and Superior, and one for Lake Michigan, who should have the powers and perform the duties of inspectors of customs; and to appoint a keeper for each of the stations and houses of refuge. He was also authorised to appoint an assistant to the Long Island superintendent, to live on Block Island and perform the duties of superintendent of the life-saving stations within the State of Rhode Island, with an annual salary of $500. The Secretary might employ crews of experienced surfmen, paid not over $40 each man monthly, at stations denominated complete stations, and at such stations on the Pacific coast as he might deem necessary and proper, and for such periods as he might deem necessary. He might accept the services of volunteer crews at any of the authorised lifeboat stations, who should be subject to the rules and regulations governing the Life-Saving Service; and a list of the names of each crew should be kept in the office of the Secretary of the Treasury. These volunteers should receive no compensation except a sum of not more than $10 each for every occasion upon which they should have been instrumental in saving human life, and such of the medals as they might be entitled to under the provisions of this Act. But no payment should be made to any person who should not actually have participated in the efforts to save the life or lives rescued. The medals were of two classes, the first being confined to cases of extreme and heroic daring, and the

second to cases not sufficiently distinguished to deserve the medal of the first class. But no medal was to be awarded until sufficient evidence of deserving should have been filed with the Secretary of the Treasury and entered upon the records of the department.

Whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master shall, within five days after the same happened, or as soon thereafter as possible, send by letter to the collector of customs of the district wherein such vessel belongs, or of that within which such accident or damage occurred, a signed report thereof in proper form, under penalty of $100 for failure to do so. And whenever the managing owner or agent of any vessel of the United States has reason, owing to the non-appearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice in writing to the collector of customs of the port to which the vessel belonged of such loss, and the probable occasion thereof, stating the name and the official number (if any) of the vessel, and the names of all persons on board as far as the same can be ascertained, and shall furnish upon request of the collector such additional information as he may be able.

The Act of 18th June 1878 authorised the establishment of a number of additional life-saving and lifeboat stations upon the sea and lake coasts, and the appointment of a district superintendent for the coast bordering on the Gulf of Mexico, and of keepers for each station to be established. Keepers are to take charge and protect all property saved from shipwreck at which they may be present, until it is claimed by parties legally authorised to receive it, or until otherwise instructed to dispose of it by the Secretary of the Treasury. They are also required to reside continually at or in the immediate vicinity of their respective stations. The life-saving stations upon the sea and gulf coasts at which crews are employed shall be manned, and the stations opened for active service, on the 1st day of September in each year, and so continue until the 1st day of May succeeding, and upon the lake coasts from the opening to the close of navigation, except such stations as the Secretary in his discretion deems not necessary to be manned during the full period. The crews reside at the stations during said periods. The President of the United States may, by and with the advice and consent of the Senate, appoint a suitable person familiar with the various means employed in the Life-Saving Service for the saving of life and property from shipwrecked vessels, as general superintendent of that service, to have, under the immediate direction of the Secretary of the Treasury, general charge of the service and of all administrative matters connected therewith, with a salary of $4000; and the Secretary of the Treasury may appoint an assistant to the general superintendent with a salary of $2500. The duties of the general superintendent are laid down with precision, and he has to acquaint himself as far as practicable with all means employed in foreign countries which may seem to advantageously affect the interests of the service, and to cause to be properly investigated all plans, devices, and inventions for the improvement of life-saving apparatus for use at the stations which may appear to be

meritorious and available. He has also to collect and compile the statistics of marine disasters, and to submit to the Secretary of the Treasury for transmission to Congress an annual report of the expenditures of the moneys appropriated for the Life-Saving Service, and of the operations of said service during the year. The Secretary of the Treasury may detail such officers of the revenue marine service as may be necessary, to act as inspectors and assistant inspectors of stations. Where any shipwreck within the scope of the operations of the Life-Saving Service occurs, attended with loss of life, the general superintendent has to investigate all the circumstances with the view of ascertaining the cause of the disaster. Persons volunteering to take the place of disabled or absent members of volunteer crews may be paid therefor, in the discretion of the Secretary of the Treasury, not over $8 each on every such occasion. All crews and volunteers present at a wreck are required to use their utmost endeavours to save life, and properly care for the bodies of such as may perish, then to save property and protect it. For the time employed in saving and protecting property, volunteers may be paid $3 per day each, or less. The enrolled members of crews may be called out for drill and exercise in the lifeboat and life-saving apparatus as often as the general superintendent may determine, not exceeding twice a-month, and be paid for each day's attendance $3 each. The Secretary of the Treasury can bestow the second-class life-saving medal upon persons making such signal exertions in rescuing and succouring the shipwrecked, and saving persons from drowning, as in his opinion merits such recognition.

The Act of 1882 authorised the establishment of additional life-saving stations and houses of refuge upon the sea and lake coasts, at such points as the general superintendent might recommend to the Secretary of the Treasury; and the discontinuance of any life-saving or lifeboat station or house of refuge, whenever the Secretary in his judgment deemed the interests of commerce and humanity no longer required its existence. All district superintendents are disbursing officers and paymasters for their respective districts, and give such bonds as the Secretary requires; and they have the powers and perform the duties of inspectors of customs, their salaries, according to district, being respectively $1800, $1500, or $1200. The compensations of keepers of stations and houses of refuge shall not exceed $800 each a-year, nor those of the men employed, $50 each a-month. Any keeper or member of a crew disabled in the line of duty is continued upon the rolls of the service during disability, or one year, and possibly a second year; or, if he die, his widow, or child or children under sixteen years of age, are entitled to receive in equal portions, during a period of two years, the same amount as the husband or father would have received if alive and in the service. On second marriage the widow forfeits her rights, the child or children equally benefiting; and when a child reaches the age of sixteen, his or her rights cease and those under sixteen benefit.

By the Act of 1882 the life-saving medals of the first and second class were to be in the future designated as the gold and silver life-saving medal respectively; and any person who had received a medal and again performed an act entitling him to a medal of the same class should receive in lieu of a second medal a bar, suitably inscribed, of the same metal as his medal, to be attached to a ribbon of such description as the Secretary of the Treasury prescribed,

which might be fastened to his medal, and for every such additional act an additional bar. Whenever any person becomes entitled to a bar representing a gold medal, the Secretary of the Treasury is authorised to award him, in addition to said bar, such token as is customary to award in acknowledgment of the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck.

From time to time appropriations are made for establishing new life-saving and lifeboat stations and houses of refuge. In 1886 an appropriation of $4000 was made for expenses which might be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American citizens or seamen from shipwreck.

The 1886 appropriation, "to be expended by the Secretary of War for expenses of the meteorological observation, and report by telegraph, signal, or otherwise announcing the probable approach and force of storms, for the benefit of commerce and agriculture of the United States," included a sum "for expenses of storm, cautionary, offshore, cold wave, and other signals on the sea, lake, and gulf coasts of the United States and in the interior, announcing the probable approach and force of storms," &c.; and another sum "for continuing the connections of signal-stations with life-saving stations or lighthouses, including services of operators, repair-men, materials, and general service, being for the maintenance and repair of the military telegraph-line along the Atlantic coast of the United States." $120,000 was appropriated for telegraphing reports, messages, and other information in connection with the observation and report of storms.

LIGHTHOUSES.

The President appoints two officers of the Navy of high naval rank, two officers of the corps of engineers of the Army, and two civilians of high scientific attainments whose services may be at the disposal of the President, together with an officer of the Navy and an officer of engineers of the Army as secretaries, who constitute the Lighthouse Board. The Secretary of the Treasury is *ex officio* president of the Lighthouse Board; but in his absence one of the board, elected by ballot, presides as chairman at meetings, and performs such acts as may be prescribed by the rules of the board. The board meets for the transaction of business on the first Mondays in March, June, September, and December; but the Secretary of the Treasury may convene the board whenever, in his judgment, the exigencies of the service require it. The Lighthouse Board is attached to the office of the Secretary of the Treasury, and under his superintendence discharges all administrative duties relating to the construction, illumination, inspection, and superintendence of lighthouses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies and materials of all kinds for building and for rebuilding when necessary, and keeping in good repair the lighthouses, light-vessels, beacons, and buoys of the United States; and has the charge and custody of all the archives, books, documents, drawings, models, returns, apparatus, and other things appertaining to the light-

house establishment. The board furnishes, upon the requisition of the Secretary of the Treasury, all the estimates of expense which the several branches of the lighthouse service may require, and such other information as may be required to be laid before Congress at the commencement of each session. It is authorised, whenever an appropriation has been made by Congress for a new lighthouse, the proper site for which does not belong to the United States, to purchase the necessary land, provided the purchase-money be paid from the amount appropriated for such lighthouse. No lighthouse, beacon, public piers, or land-mark shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States. A cession by a state of jurisdiction over a place selected as the site of a lighthouse or other structure or work of the lighthouse establishment is deemed sufficient, notwithstanding it contains a reservation that process issued under authority of such state may continue to be served within such place; and, notwithstanding the cession contains no such reservation, all process may be served and executed within the place ceded in the same manner as if no cession had been made. Whenever preliminary surveys are required to ascertain the necessity for any lighthouse, lightship, beacon, or other warning to vessels, the erection of which is authorised by law, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury may cause the necessary examinations and surveys on the seaboard to be made under the direction of the Superintendent of the Coast Survey, and those on the north-western lakes to be made under the direction of the corps of engineers. In all cases in which adverse reports are made, they are submitted to Congress at its next session; and in all cases in which the objects authorised are favourably reported upon, the works may be commenced immediately after valid titles and cessions of jurisdiction have been obtained to the sites.

The Lighthouse Board causes to be prepared by the engineer, secretary of the board, or by such officer of engineers of the Army detailed for that service, all plans, drawings, specifications, and estimates of cost, of all illuminating and other apparatus, and of construction and repairs of towers, buildings, &c., connected with the lighthouse establishment; and no bid or contract is accepted or entered into except upon the decision of the board at a regular or special meeting, and through their properly authorised officers. All materials for the construction and repair of lighthouses, &c., are procured by public contracts, under such regulations as the board from time to time adopts, subject to the approval of the Secretary of the Treasury; and all works of construction, renovation, and repair are made by the orders of the board, under the immediate supervision of their engineer, secretary, or of an engineer of the Army detailed for that service. No contract for the erection of any lighthouse is made except after public advertisement for proposals, in such form and manner as to secure general notice thereof; and the same is only made with the lowest bidder therefor, upon security deemed sufficient in the judgment of the Secretary of the Treasury.

The Lighthouse Board arranges the Atlantic, Gulf, Pacific, and lake coasts of the United States into lighthouse districts. An officer of the Army or Navy is assigned to each district as a lighthouse-inspector, subject to the orders of the Lighthouse Board; and he receives

for such service no other than his regular Army or Navy pay and emoluments, except the legal allowance per mile when travelling under orders connected with his duties. The Secretary of the Treasury assigns to any of the collectors of the customs the superintendence of such lighthouses, beacons, lightships, and buoys as he deems best; but no person whose compensation as collector of customs exceeds $3000 a-year receives any compensation as disbursing agent for the lighthouse establishment; but where his compensation is under that sum, he may receive for such services not more than $400 in any fiscal year. The Secretary of the Treasury may, upon the recommendation of the Lighthouse Board, discontinue or re-establish lights; and after a week's notice to the public, he may sell and convey any real estate no longer used for lighthouse purposes, the avails of such sale to be paid into the national Treasury.

The Lighthouse Board is authorised to lease the necessary grounds for all post-lights and beacons as are used to point out navigable channels in a large number of rivers, &c. The board may place a light-vessel, or other suitable warning of danger, on or over any wreck or temporary obstruction to the entrance of any harbour, or in the channel or fairway of any bay or sound. It must properly mark all pier-heads belonging to the United States situated on the northern and north-western lakes, whenever the board is duly notified by the department charged with the construction or repair of pier-heads that the construction or repair of any such pier-head has been completed. All buoys along the coast, or in bays, harbours, sounds, or channels, are ordered and numbered so that passing up the coast or sound, or entering the bay, harbour, or channel, red buoys with even numbers are passed on the starboard hand, black buoys with uneven numbers on the port hand, and buoys with red and black stripes on either hand. Buoys in channelways are ordered with alternate white and black perpendicular stripes.

No additional salary is allowed to any civil, military, or naval officer on account of his being employed on the Lighthouse Board, or being in any manner attached to the lighthouse service. No member of the Lighthouse Board, inspector, lightkeeper, or other person in any manner connected with the lighthouse service, shall be interested, either directly or indirectly, in any contract for labour, materials, or supplies for the lighthouse service, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the lighthouse service.

Special acts are passed authorising railroad companies or others to construct bridges over channels of rivers, &c., in accordance with such plans devised for the safe passage of vessels as shall be approved by the Secretary of War; and to construct and maintain such facilities, and be governed by such regulations for the passage of vessels, as the Secretary of War shall approve. The Act of 1886, authorising the city of Detroit to bridge across the Detroit river between that city and Belle Isle Park, enacted that the channel of said river should not be unreasonably obstructed, but that a draw or pivot span of not less than 125 feet clear, opening on each side of the pivot-pier, should be located over the channel in such a manner that one or both of the openings of the draw or pivot span would be conveniently and safely reached and passed by boats pursuing the ordinary channel of the river; that one opening at least of a draw or pivot span should be over the best and most convenient channel

of the river for such classes of river traffic as should find it convenient to use said channel. The height of the bridge has to be approved by the Secretary of War. All draw or pivot spans have to be operated by steam or other reliable mechanical power, and shall be opened promptly upon such signals as are prescribed by law for the passage of boats through draw or bridge. The piers upon which the bridge is built shall be parallel with the current of the river, and so as to avoid producing cross-currents, or bars dangerous to navigation; and if after construction any piers are found to produce these effects, the nuisance shall be abated or corrected by or at the expense of the corporation owning or operating the bridge, and when advised by the Secretary of War. It is the duty of the municipal corporation authorised to erect a bridge under this Act to maintain at its own expense, from sunset to sunrise of each day throughout the season of navigation, and during heavy fogs, such lights on the bridge as may be required by the Lighthouse Board for the security of navigation. As is usually enacted, this bridge shall be recognised and known as a post-route, over which the mails, troops, and munitions of war of the United States may be transported at no higher charge than is made for transportation of said mails, troops, and munitions of war over railroads and public highways leading to said bridge; and the United States shall have the right of way for postal telegraph lines and appliances across said bridge. In case of any litigation from any obstruction or alleged obstruction to navigation created by the construction of the bridge, the cause or question arising may be heard by the district court of the United States of any state in which any portion of said obstruction or bridge touches. The municipal laws and ordinances of the city of Detroit may be enforced on said bridge; and the care, control, and use of the same shall be governed by ordinances of the city enacted as though said bridge was a public street in said city.

COAST AND GEODETIC SURVEY.

The appropriations for sundry civil expenses of the Government, for the fiscal year ending 30th June 1887, provide for the continuance of the Coast and Geodetic Survey, and the following is an extract: "For every expenditure requisite for and incident to the survey of the Atlantic, Gulf, and Pacific coasts of the United States, including the survey of rivers to the head of tide-water or ship navigation; deep-sea soundings, temperature, and current observations along the coasts and throughout the Gulf Stream and Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; a magnetic map of North America; and including compensation, not otherwise appropriated for, of persons employed on the field work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury; for special examinations that may be required by the Lighthouse Board or other proper authority; and, including travelling expenses of officers and men of the Navy on duty, for commutation to officers of the field force while on field duty, at a rate to be fixed by the Secretary of the Treasury, not exceeding $2.50 per day each; outfit, equipment, and care of vessels

used in the survey, and also the repairs and maintenance of the complement of vessels, to be expended under the following heads: Provided that no advance of money to chiefs of field parties under this appropriation shall be made unless to a commissioned officer or to a civilian officer, who shall give bond in such sum as the Secretary of the Treasury may direct." It is unnecessary to state the several items, which are numerous, and foot up a total well into the hundreds of thousands of dollars. "No part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty in the office at Washington, or to officers of the Navy attached to the survey; nor shall there hereafter be made any allowance for subsistence to officers of the Navy attached to the Coast and Geodetic Survey."

The party expenses include "the survey of the coast of Maine eastward from Machias Bay towards Quoddy Head, . . . examination of reported dangers and changes on the eastern coast, . . . continuing resurvey of Long Island Sound and finishing same, . . . completing resurvey of Delaware Bay and river, including current observations, . . . continuing examination of changes and resurveys on the sea-coast of New Jersey, . . . continuing the examinations and surveys of estuaries of Chesapeake Bay, and of sounds and tide-water passages in North and South Carolina not heretofore surveyed, . . . continuing the survey of the western coast of Florida from Estero Bay southward and from Saint Joseph's Bay northward, and hydrography of same, . . . continuing the survey of the coast of Louisiana west of the Mississippi delta, and hydrography on the coasts of Louisiana and Texas, . . . to make off-shore soundings along the Atlantic coast, and current and temperature observations in the Gulf-Stream, . . . physical surveys and examinations of Monomy Shoals, Nantucket Sound, . . . continuing the researches in physical hydrography relating to harbours and bars, . . . determinations of geographical positions (longitude party), . . . to continue the primary triangulation from Atlanta toward Mobile, . . . continuing an exact line of levels from the Gulf to the transcontinental line of levels between the Atlantic and Pacific Oceans, and for continuing the transcontinental line of levels, . . . to continue tide observations on the Atlantic coast, . . . to continue magnetic observations on the Atlantic and Gulf coasts, . . . to continue gravity experiments at a cost not exceeding $500 per station, except for special investigations and experiments authorised by the superintendent at one or more stations, . . . to continue the completion of the Coast Pilot, and to make special hydrographic examinations for the same, . . . continuing the topographical survey of the coast of Southern California, . . . continuing the survey of the coast of Oregon, including off-shore hydrography, and to complete the survey of Columbia river and Willamette river to the head of ship navigation, . . . continuing the survey of the coast of Washington territory, . . . continuing explorations in the waters of Alaska, and making hydrographic surveys in the same, . . . travelling expenses of officers and men of the Navy on duty, and for any special surveys that may be required by the Lighthouse Board or other proper authority, and contingent expenses incident thereto, . . . continuing tide observations on the Pacific coast, . . . magnetic observations on the Pacific coast, . . . furnishing points for state surveys, to be applied as far

as possible in states where points have not been furnished. . . . Transcontinental geodetic work—for continuation of geodetic work on transcontinental line between the Atlantic and Pacific Oceans, . . . continuing resurvey of New York Bay and harbour, including East river to Throg's Neck, . . . continuing physical hydrography of New York Bay and harbour, including East river to Throg's Neck, . . . resurvey of San Francisco Bay, and of San Pablo and Tinson Bays and the Strait of Carquinez, and examination of San Francisco Bar and entrance, and the mouths of the Sacramento and San Joacquin rivers."

It is necessary to refer to the atlas in order to comprehend the vast extent of land and water included in these operations, and to remember that the coast-line is not a bee-line. The greatest length of the United States, from the Atlantic to the Pacific, on the parallel of 42°, is 2768 miles, and the greatest width, from Point Isabel, Texas, to the northern boundary near Pembina, is 1601½ miles. The deepest fresh-water lake is Crater Lake, in Oregon, which has a maximum depth of 2005 feet.

The annual report of 1886 showed that, during the past year, surveys were carried on within the limits of thirty-one states, three territories, and the District of Columbia; also hydrographic surveys off the coasts of fifteen states and two territories; and also that due attention was paid to resurveys of important harbours and highways. The appendices contain matters of much interest, such as the studies of ice-formation and movement in the Delaware river and bay; the observation of currents in the Gulf-Stream; the near approach of a junction of the transcontinental triangulations, which will form a geodetic connection between the work on the Atlantic and that on the Pacific; the advance towards completion of the resurvey of New York Bay and harbour.

GEOLOGICAL SURVEY.

In 1879 the office of the Director of the Geological Survey was established under the Interior Department, he being appointed by the President, by and with the advice and consent of the Senate, with a salary of $6000. This officer has the direction of the geological survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain. The director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations. The geological and geographical survey of the territories, and the geographical and geological survey of the Rocky Mountain region under the Department of the Interior, and the geographical surveys west of the 100th meridian, under the War Department, were discontinued, to take effect on the 30th day of June 1879. And all collections of rocks, minerals, soils, fossils, and objects of natural history, archæology, and ethnology made by the Coast and Interior Survey, the Geological Survey, or by any other parties for the Government of the United States, when no longer needed for investigations then in progress, were deposited in the National Museum.

The publications of the Geological

Survey consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and palæontology. The annual report accompanies the annual report of the Secretary of the Interior. All special memoirs and reports of the survey are issued in uniform quarto series, if deemed necessary by the director, but otherwise in ordinary octavo. 3000 copies of each are published for scientific exchanges, and for sale at the price of publication; and all literary and cartographic materials received in exchange are the property of the United States, and form a part of the library of the organisation. The money resulting from the sale of publications is covered into the United States Treasury, under the direction of the Secretary of the Interior.

The seventh annual report of the director showed that, during the fiscal year ending June 30, 1886, there were 81,829 square miles in twenty states and territories surveyed by the topographical division, and he estimated that there were 100,000 square miles of coastal lands which, valueless in their then condition, might be reclaimed. But he thought it would be unwise to begin to reclaim these lands until it had been ascertained whether they are rising or sinking; and stated that a general investigation of the changes in progress along the Atlantic coast had been undertaken. The earthquakes at Charleston, North Carolina, and elsewhere during 1886, seem to have left the geological mind in uncertainty.

The appropriations for the year 1886-87 provided for salaries, in all, $35,540; new books and books to complete broken sets, $500; rent, $10,000; for surveying the public lands, $50,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines; and of the sum appropriated $25,000 or so much thereof as might be necessary might be expended for the examination of surveys in the field to test the accuracy of the work, and to prevent payment for fraudulent and imperfect surveys returned by deputy-surveyors, and inspecting mineral deposits, coalfields, swamp lands, and timber districts, and for making such other surveys or examinations as might be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States; for surveying the public lands in the State of Nevada, $30,000, at the rates already specified, except that the Commissioner of the General Land Office might allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines; for survey of confirmed private land-claims in New Mexico, California, and Louisiana, at rates prescribed by law, respectively, $3000, $2000, and $4000; for the survey of the alleged grant, known as the Hanson grant, in the State of Florida, $400, to be expended under the direction and in the discretion of the Secretary of the Interior. It was also provided that in the future the scientific reports known as the monographs and bulletins of the Geological Survey should not be published, and no engraving for the annual reports or for such monographs and bulletins, or of illustrations, sections, and maps, should be done until specific estimates were submitted therefor, and specific appropriations made, based on such estimates.

DIVISION OF MINING STATISTICS AND TECHNOLOGY.

TABLE SHOWING THE METALLIC PRODUCTS OF THE UNITED STATES IN 1885.

(From the Annual Report of the Secretary of the Interior.)

PRODUCTS.	QUANTITY.	VALUE.
Pig iron, long tons, spot value	4,044,525	$64,712,400
Silver, troy ounces, coining value	39,910,279	51,600,000
Gold, troy ounces, coining value	1,538,376	31,801,000
Copper, pounds, value at New York city	170,962,607	18,292,999
Lead, short tons, value at New York city	129,412	10,469,431
Quicksilver, flasks, value at San Francisco	32,073	979,189
Zinc, short tons, value at New York city	40,688	3,539,856
Nickel, pounds, value at Philadelphia	277,904	191,753
Aluminium, troy ounces, value at Philadelphia	3,400	2,550
Platinum, troy ounces, value, crude, at New York city	250	187
Total value of metallic products		$181,589,365

RAILROADS.

The right-of-way through the public lands of the United States is granted to any railroad company duly organised under the laws of any state or territory, except the District of Columbia, or by the Congress of the United States, which has filed with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organisation under the same, to the extent of 100 feet on each side of the central line of said road; also the right to take from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for its construction; also ground adjacent to such right-of-way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, not to exceed in amount 20 acres for each station, to the extent of one station for each 10 miles of its road. Any other railroad has the use and occupancy of a canyon, pass, or defile, for the purposes of its road in common with the road first located, and is not prevented from crossing other railroads at grade; nor does the location of a railroad right-of-way through any canyon, pass, or defile, cause the disuse of any waggon or other public highway, or prevent the location of such waggon-road or highway where necessary for the public accommodation. If a change of location of such waggon-road is necessary to permit the passage of the railroad, the railroad company, before ousting the waggon-road, to reconstruct the waggon-road in the most favourable location, and in as perfect a manner as the original road, at its own expense or conjointly with other railroads occupying and using the canyon, pass, or defile. The legislature of the proper territory may provide for the manner in which private lands and

necessary claims on the public lands of the United States may be condemned; and where such provision has not been made, such condemnation may be made in accordance with section 3 of the Act entitled "An Act to Amend an Act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862, approved July 2, 1864." Within twelve months after the location of any section of 20 miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, the railroad company has to file with the register of the land office for the district where such land is located, a profile of its road; and upon approval thereof by the Secretary of the Interior, the same is noted upon the plats in said office; and thereafter all such lands over which such right-of-way passes are disposed of, subject to such right-of-way. But if any section of said road is not completed within five years after the location of such section, the rights granted are forfeited as to any such uncompleted section of road. These provisions do not, however, apply to any lands within the limits of any military park or Indian reservation, or other lands especially reserved from sale, unless the right-of-way is provided for by treaty stipulation or by Act of Congress.

By the Act of February 5, 1875, granting the Oregon Central Pacific Railway Company "a strip of land 100 feet wide on each side of the central line of said road through the public lands, and the necessary lands for depots, stations, side-tracks, and other needful uses in operating said road and telegraph, not exceeding 20 acres at any one place" for every 10 miles, it is provided that "the state or states within the limits of which said road, or any part thereof, shall be hereafter situated, shall have the power to regulate and limit the cost of transportation of persons or freight over the same;" also that "this Act shall not take effect on any lands to which any *bonâ fide* pre-emption, or homestead claim, has attached before the definite location of the line of road, and the notice of the same has been given to the land-office in the district where the same is located." This railroad was to be located within three years from the passage of the Act, and completed within ten years from the same date, failing which the Act was to be null and void. Congress reserved the right to alter, amend, or repeal this Act at any time that the public interest might require it.

It has recently been decided that it is unconstitutional for a state to regulate by law interstate traffic. Congress alone has the power to do so; but each state can regulate railroad traffic within its own limits or jurisdiction, not inconsistent with the authority and laws of the United States.

By the Act of July 10, 1886, no lands granted to any railroad corporation by any Act of Congress are exempt from taxation by states, territories, and municipal corporations, on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this does not apply to lands unsurveyed. Lands sold for taxes are taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide, and to all liens of

the United States, in respect of such lands. This Act applies only to lands situated opposite to and coterminous with completed portions of said roads, and in organised counties. At any sale of lands under the provisions of this Act, the United States may become a preferred purchaser, and in such case the lands sold are restored to the public domain, and disposed of as provided by the laws relating thereto. The costs of surveying, selecting, and conveying are due and payable at, and on, the demand therefor made by the Secretary of the Interior; and should any railroad corporation for thirty days neglect or refuse to pay them after such demand, the Secretary notifies the Attorney-General, who at once commences proceedings to collect them.

Where a railroad corporation gets a grant of public lands, the sections granted are alternate sections, and so numbered that odd numbers belong to the corporation, and even numbers to the United States. The even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any state in aid of any railroad or military road, are open to settlers under the Homestead Laws to the extent of 160 acres to each settler; and where any actual settler who has paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double minimum rates, and such railroad lands having been forfeited to the United States, and restored to the public domain for failure to build such railroad, such settler has the right to locate on any unoccupied lands an amount equal to his original entry without further cost, except such fees as are prescribed by law in pre-emption cases, provided that when such location is upon double minimum lands one-half the amount only is taken. All persons who have settled and made valuable and permanent improvements upon any odd numbered section, in good faith, and with the permission or licence of the railroad company for whose benefit the withdrawal has been made, and with the expectation of purchasing of such company the land so settled upon, which may, for any cause, be restored to the public domain, and who at the time of such restoration may not be entitled to enter and acquire title to such land under the Pre-emption, Homestead, or Timber-culture Acts of the United States, is permitted at any time within three months after such restoration, and under such rules and regulations as the Commissioner of the General Land Office may prescribe, to purchase not exceeding 160 acres in extent of the same by legal subdivision at the price of $2.50 per acre, and to receive patents therefor.

Every railroad company in the United States whose road is operated by steam, is by law authorised to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, government supplies, mails, freight, and property on their way from one state to another state, and to receive compensation therefor, and to connect with roads of other states so as to form continuous lines for the transportation of the same to the place of destination. But this does not affect any stipulation between the Government of the United States and any railroad company for transportation or fares without compensation, nor authorise any railroad company to build any new road or connection with any other road without authority from the state in which such railroad or connection may be proposed. No money is paid to any railroad company for the transporta-

tion of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public lands, on the condition that such railroad should be a public highway for the use of the Government of the United States, free from toll or other charge, or upon any other conditions for the use of such road for such transportation; nor is any allowance made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. Whenever in any grant of land or other subsidy made to railroads or other corporations, the United States reserve the right to appoint directors, engineers, or other agents to examine the roads, or act in conjunction with other officers of such companies, all the costs, charges, and pay of such directors, commissioners, or agents are paid by the respective companies, at the rate of $10 each per day, actually and necessarily employed, and 10 cents per mile actually and necessarily travelled in discharging their duties. In case any company refuse or neglect to make such payments, no more patents for land or other subsidies are issued until these requirements are complied with. The Secretary of the Treasury withholds payments to any railroad company on account of freights or transportation, to the amount of interest on bonds of the United States issued to any such company not reimbursed, together with the 5 per cent of net earnings due, and unapplied as provided by law. Any company may bring suit in the Court of Claims to recover the price of such freight and transportation, and in such suit the right of such company to recover the same, upon the law and the facts of the case, are determined, and also the rights of the United States, upon the merits of all the points presented. Either party to this suit may appeal to the Supreme Court, which, as well as the Court of Claims, gives such causes precedence of all other business. According to Poor's Manual of the Railroads of the United States for 1886, there were 127,729 miles of railroad, distributed thus: (1) New England, 6412 miles; (2) Middle States, 18,595 miles; (3) Western States, 74,854 miles; (4) Pacific States, 7284 miles; and of these 123,320 miles were worked. The total capital stock was $3,817,697,832; the total funded debt, $3,765,727,066; the total investment, $8,339,285,842; and the cost of railroad and equipment, $7,037,627,350.

TELEGRAPHS.

Any telegraph company organised under the laws of any state has the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of streams and waters, or interfere with the ordinary travel on military or post roads. Telegraph companies so organised have the right to take and use from the public lands through which the lines of telegraph pass the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, mainten-

ance, and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding 40 acres for each station, which must not be within fifteen miles of each other. Telegrams between the several departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain, have priority over all other business, at such rates as the Postmaster-General shall annually fix. No part of any appropriation for the several departments of the Government is paid to any company which neglects or refuses to transmit such telegrams in accordance with this provision.

The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies at an appraised value ascertained by five competent disinterested persons, two of them selected by the Postmaster-General, two by the company interested, and one by the four so previously selected. Before any telegraph company exercises any of the powers or privileges conferred by law, it must file its written acceptance with the Postmaster-General of the restrictions and obligations required by law. Should a telegraph company, after filing this acceptance, by its agents or employees refuse or neglect to transmit any such telegraphic communications, or those which the Secretary of War causes to be sent about meteorological observations at the military stations and other points of the interior of the continent, and for giving notice on the northern lakes and seaboard of the approach and force of storms, it is liable to a penalty of not less than $100 and not more than $1000 for each such refusal or neglect, to be recovered by action at law in any district court of the United States.

The Act of July 25, 1862, chap. 348, authorised the laying of a line or lines of telegraph or submarine cables on the Atlantic coast of the United States to connect the American and European coasts, provided no amalgamation, combination to establish rates, union, or sale of cable interests established under the Act, should be made to any existing European or other cable company. The second section stipulated—1st, That the Government of the United States should be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines, cable or cables, as there might by law, agreement, or otherwise be exercised and enjoyed by any foreign Government whatever. 2d, Citizens of the United States should enjoy the same privileges as to the payment of rates for the transmission of messages as were enjoyed by the citizens of the most favoured nations. 3d, The transmission of despatches should be made in the following order: (1) despatches of State, under such regulations as might be agreed upon by the Governments interested, the rates not to exceed those charged to individuals; (2) despatches on telegraphic service; and (3) private despatches. 4th, The lines of any such cables should be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, despatches, and communications should be forwarded in the order in which they were received, except as stated. 5th, Before extending and establishing any such lines or cables in or over any waters, reefs, islands, shores, and lands within

the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by the Act should be filed in the office of the Secretary of State by the parties authorised to lay the said lines or cables, or by a majority of them, their associates, successors, or assigns, or by the company or corporation which might be organised to construct and operate cables under the said Act. The third and fourth sections provided that nothing in the Act should be construed to limit the United States in granting to other persons or companies similar privileges, and that the right to alter, amend, or repeal the Act at any time was reserved to Congress.

In 1886 there were 667,710 miles of wire, 218,247 miles of posts, 21,673 officers, and 35,510 employees in the telegraph service in the United States. The Western Union Telegraph Company is reported to have despatched 43,289,807 messages during 1886. The United States owned 3000 miles of wire and of posts, and had 55 offices and 90 employees.

THE POSTAL SERVICE.

The Postmaster-General establishes post-offices at all such places on post-roads established by law as he deems expedient, and he promptly certifies such establishment to the Auditor of the Treasury for the Post-Office Department. Every person who, without authority from the Postmaster-General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post-office is, for every such offence, liable to a penalty of not more than $500. The Postmaster-General appoints and may remove postmasters of the fourth class, but those of the first, second, and third classes are appointed and removed by the President, by and with the advice and consent of the Senate; and they hold their offices for four years, unless sooner removed or suspended according to law. Appointments and removals are notified to the said Auditor. Every postmaster has to reside within the delivery of the office to which he is appointed. The Postmaster-General and all persons employed in the postal service respectively take and subscribe before some magistrate or other competent person, authorised to administer oaths by the laws of the United States, or of any state or territory, or before any officer, civil or military, holding a commission under the United States, the oath or affirmation provided by statute; and each postmaster has to give bond with good and approved security, and in such penalty as the Postmaster-General deems sufficient, conditioned for the faithful discharge of all duties and trusts imposed on him, either by law or the rules and regulations of the department; and, where it is a money-order office, for the faithful performance of all duties and obligations in connection with the money-order business. The bond of a married woman appointed postmaster is binding upon her and her sureties, and she is liable for misconduct in office as if she were sole. Every postmaster and his sureties are responsible for the safe keeping of the public property in the post-office and the due performance of the duties thereof until the expiration of the commission, or until a successor, duly appointed and qualified, has taken possession of the office. But where there is sixty days' delay in filling a vacancy, the sureties may terminate their responsibility by giving notice in writing to the Postmaster-General, such

termination to take effect ten days after sufficient time has elapsed to receive a reply from the Postmaster-General. When any of the sureties notify the Postmaster-General of their desire to be released from their suretyship, or when the Postmaster-General deems a new bond necessary, he requires the postmaster to execute such new bond with security. Sureties are not liable for indebtedness should suit not be instituted therefor within three years after the close of the postmaster's account. The Postmaster-General may require a sworn statement to accompany each quarterly account of a postmaster, to the effect that such account contains a true statement of the entire amount of postage, box-rents, charges, and moneys collected or received at his office during the quarter; that he has not knowingly delivered, or permitted to be delivered, any mail matter on which the postage was not at the time paid, &c. No postmaster, assistant postmaster, or clerk employed in any post-office shall be a contractor or concerned in any contract for carrying the mail.

The respective compensation of postmasters of the first, second, and third classes is annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, ascertained and fixed by the Postmaster-General from their respective quarterly returns to the auditor of the Treasury for the Post-Office Department, which are forwarded to the first assistant postmaster-general for four quarters immediately preceding the adjustment, at the following rates, namely :—

First Class.

Gross receipts, $40,000, and not exceeding $45,000, salary $3000; and an increase in salary of $100 at each step where the gross receipts are between the following named sums respectively—namely, between $45,000 and $60,000, and $80,000 and $110,000, and $150,000 and $200,000, and $260,000 and $330,000, and $400,000 and $450,000, and $500,000; then the salary is $5000 between $500,000 and $600,000, and $6000 where the gross receipts are $600,000 and upwards.

Second Class.

Gross receipts, $8000, and not exceeding $9000, salary $2000; and an increase in salary of $100 at each step where the gross receipts are between the following named sums respectively—namely, between $9000 and $10,000, and $11,000 and $13,000, and $16,000 and $20,000, and $24,000 and $30,000, and $35,000 and $40,000, when the salary has reached $2900.

Third Class.

Gross receipts, $1900, and not exceeding $2100, salary $1000; and an increase in salary of $100 at each step where the gross receipts are between the following sums respectively—namely, between $2100 and $2400, and $2700 and $3000, and $3500 and $4200, and $5000 and $6000, and $7000 and $8000, when the salary has reached $1900; and in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish the department with certified copies of their quarterly returns to the auditors, at such times and for such periods as he deems necessary in each case.

Fourth Class.

The compensation of this class is fixed upon the basis of the whole of the box-rents collected at their offices, and commissions upon the amount of

cancelled postage-due-stamps, and on postage stamps, official stamps, stamped envelopes, postal-cards, and newspaper and periodical stamps cancelled on matter actually mailed at their offices, and on amounts received from waste paper, dead newspapers, printed matter, and twine, sold at the following rates—namely, on the first $50 or less, per quarter, 100 per cent; on the next $200 or less, per quarter, 50 per cent; on all the balance, 40 per cent—the same to be ascertained and allowed by the auditor in the settlement of the accounts of such postmasters upon their sworn quarterly returns. But when the compensation of any postmaster of this class reaches $250 for four consecutive quarters each, exclusive of commissions on money-order business, and when the returns to the auditor for four consecutive quarters show him to be entitled to compensation in excess of $250 per quarter, the auditor reports such fact to the Postmaster-General, who assigns the office to its proper class, and fixes the increased salary. In no case is there allowed to any postmaster of this class a compensation greater than $250 in any one of the first three quarters of any fiscal year, exclusive of money-order commission; but in the last quarter he is allowed such further sum as he may be entitled to, not exceeding for the whole fiscal year $1000, exclusive of money-order commissions.

The Postmaster-General makes all orders relative to the salaries of postmasters, and changes take effect on the first day of the quarter following the order, the auditor being notified thereof. The salaries of postmasters of the first, second, and third classes are readjusted by the Postmaster-General at the beginning of each fiscal year, and the salary of the postmaster at Washington City, District of Columbia, is $5000. In no case shall the salary of any postmaster exceed $6000, except in the city of New York, where the salary is $8000 per annum.

Letter-carriers are employed for the free delivery of mail-matter, as frequently as the public convenience may require, at every place containing a population of 50,000 within the delivery of its post-office, and may be so employed at every place containing a population of not less than 20,000, within corporate limits, and at post-offices which produced a gross revenue for the preceding year of not less than $20,000. The tendency is to have free delivery wherever it will pay to have it. The salaries of carriers of the first class who have been in service at least one year is $1000 per annum, and those of the second class $800 a-year. In all cities containing a population of less than 75,000, there is one class of carriers who receive $850 a-year. Upon the recommendation of the postmaster of any city, the Postmaster-General may establish a third grade of carriers, known as auxiliaries, paid at the rate of $600 a-year, and employed at any letter-carrier office. Appointments of letter-carriers in cities having two or more classes are made to the class having the minimum rate of pay, and promotions from the lower grades in said cities are made to the next higher grade at the end of one year's service, on certificate of the postmaster to the efficiency and faithfulness of the candidate during the preceding year. The Postmaster-General can appoint one or more substitute letter-carriers, whose compensation is $1 per annum and the *pro rata* compensation of the carriers whose routes they may be required to serve. No boxes for the collection of mail-matter are placed inside of any building except a public building or railroad station.

By chap. 342, laws of 1885, a

special stamp of the face value of 10 cents may be provided and issued whenever deemed advisable or expedient, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free delivery office, or at any city, town, or village containing a population of 4000 or over, according to the Federal census, is regarded as entitling such letter to immediate delivery within the carrier limit of any free delivery office which may be designated by the Postmaster-General as a special delivery office, or within one mile of the post-office at any other office coming within this provision, which may in like manner be designated as a special delivery office. These specially stamped letters are delivered from 7 A.M. up to 12 P.M.; and by chap. 901, laws of 1886, the postmaster receiving the same is responsible for immediate delivery, and may employ any persons, including clerks and assistants at third and fourth class offices, as messengers, on such terms as he shall fix as compensation for such delivery; and to defray the expense thereof such postmaster is entitled, upon the adjustment of his quarterly account, to 80 per cent of the face value of all such special delivery stamps received at his office, and recorded according to law and regulations of the Post-Office Department during the quarter; and this is in full of all expenses of such delivery. The Postmaster-General may, in his discretion, direct any free delivery office to be excepted from the foregoing provision, and require the delivery to be made entirely by special messengers; and he may contract for the immediate delivery of all articles from any post-office at any price less than eight cents per piece, when he deems it expedient. The Postmaster-General prescribes suitable regulations not inconsistent with law for the performance of the immediate delivery service; and any person employed to make immediate delivery of letters or other mail-matter is deemed an employee of the postal service, whether he may have been sworn or not, or temporarily or permanently employed, and, as such employee, liable to any penalties or punishments provided by law for the improper detention, delay, secretion, rifling, embezzlement, purloining, or destruction of any letter, &c., intrusted to him for delivery, or placed in his custody.

Persons in the railway mail service formerly known as railway post-office clerks, route agents, local agents, and mail-route messengers, are since 1882 designated railway postal clerks, and are divided into five classes, whose salaries shall not exceed the following rates per annum: 1st class, not exceeding $800; 2d class, not exceeding $900; 3d class, not exceeding $1000; 4th class, not exceeding $1200; and 5th class, not exceeding $1400. In fixing the salaries of clerks in the different classes, the Postmaster-General may fix different salaries for clerks of the same class according to the amount of work done and the responsibility incurred by each, but shall not in any case allow a higher salary to any clerk of any class than the maximum for his particular class.

It is unnecessary to state particularly what is mailable matter, for it is much the same in all countries. In the United States it is divided into four classes—viz., (1) written matter, (2) periodical publications, (3) miscellaneous printed matter, and (4) merchandise. Postal cards are 1 cent each; and other first-class matter is transmitted by mail from any place to any place within the United States at the rate of 2 cents for each ounce or fraction thereof, including delivery at letter-

carrier offices; and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established. All publications of the second class (except as provided in sec. 25, chap. 180, laws of 1879), when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news-agency to actual subscribers thereto, or to other news-agents, are entitled to transmission through the mails at 1 cent a pound, or a fraction thereof, prepaid. The section referred to provided that publications of the second class, one copy to each actual subscriber residing in the county where the same are printed in whole or in part, shall go free through the mails; but the same shall not be delivered at letter-carrier offices, or distributed by carriers, unless postage is paid thereon: Provided that the rate of postage on newspapers, except weeklies and periodicals not exceeding 2 ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at 1 cent each; periodicals weighing more than 2 ounces shall be subject, when delivered by such carriers, to a postage of 2 cents each, and these rates shall be prepaid by stamps affixed.

Any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage. Mailable matter of the second class shall contain no writing, print, mark, or sign thereon or therein in addition to the original print, except the name and address of the person to whom the matter is sent, and index figures of subscription-book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end. Upon matter of the third class, or upon the wrapper inclosing the same, the sender may write his own name or address thereon, with the word "from" above, and preceding the same, and in either case may make simple marks intended to designate a word or passage of the text to which it is desired to call attention. There may be placed upon the cover or blank leaves of any book or of any printed matter of the third class a simple manuscript dedication or inscription that does not partake of the nature of a personal correspondence. Upon any package of matter of the fourth class the sender may write or print his own name and address, preceded by the word "from"; and there may also be written or printed the number and names of the article enclosed; and the sender thereof may write or print upon, or attach to any such articles by tag or label, a mark, number, name, or letter, for purpose of identification. Mailable matter of the fourth class, with two or three exceptions as to Government publications, &c., shall not exceed four pounds for each package, except in case of single books in excess of that amount. Obscene literature, lottery-tickets, &c., cannot be transmitted through the mails.

Foreign newspapers and other periodicals of the same general character as those admitted to the second class in the United States may, under the direction of the Postmaster-General, on application of the publishers thereof or their agents, be transmitted through the mails at the same rates as if published in the United States. Printed matter other than books received in the mails from foreign countries under the provisions of postal treaties or conventions are free of customs duty; and books which are admitted to the inter-

national mails exchanged under the provisions of the Universal Postal Union Convention may, when subject to customs duty, be delivered to addresses in the United States under such regulations for the collection of duties as may be agreed upon by the Secretary of the Treasury and the Postmaster General.

One 2-cent postage-stamp takes a letter under 1 ounce from any place in the United States to any place in the Dominion of Canada, but it takes a 3-cent postage-stamp to transmit such a letter from the Dominion to the United States.

What are called "drop" letters are those deposited in a post-office where there is no free delivery, to be delivered to the parties to whom they are addressed, at the same post-office, upon being called for. The postage upon these "drop" letters is 1 cent per ounce. In post-offices, both with and without free delivery, there are letter-boxes which parties who prefer to call for their letters can rent from the postmaster, and in which their letters are placed instead of being delivered. In small post-offices these boxes are mere pigeon-holes, within a glass outside, so that it can be seen from without whether there are letters, &c., but only those within the postmaster's *sanctum sanctorum* can get at the letters to deliver them through the wicket. In larger post-offices there is an outside door to each box, the key of which is in the possession of the party renting the box. A letter addressed merely to, say, "Letter-Box No. 9, New York City," would reach the person renting that box without further address whenever he lifts his mail. It is, however, not necessary to rent a box in order to get delivery of a letter, without charge, at any post-office. Yet it is a fact that in country parts many rent boxes merely to be in the fashion, or to benefit the postmaster.

Money orders are issued by the Post-Office for the transmission of any sum from 1 cent to 100 dollars at rates, for domestic money orders, of 8 cents for under $10, 10 cents for under $15, 15 cents for under $30, 20 cents for under $40, 25 cents for under $50, 30 cents for under $60, 35 cents for under $70, 40 cents for under $80, 45 cents for under $100; and at rates for international money orders of 15 cents for under $10, 30 cents for under $20, 45 cents for under $30, 60 cents for under $40, and 75 cents for under $50.

Chap. 123 laws of 1883 provided that for the transmission of small sums under $5 through the mails the Postmaster-General might authorise postmasters at money-order offices to issue money orders, without corresponding advices, on an engraved form, prescribed and furnished by him, called a "postal note," and a fee of 3 cents should be charged for the issue thereof. This postal note is made payable to bearer, when duly receipted, at any money-order office which the remitter thereof may select, and it is in like manner payable to bearer when presented at the office of issue. After a postal note has once been paid, to whomsoever it has been paid, the United States is not liable for any further claim for the amount thereof; but a postal note becomes invalid and not payable upon the expiration of three calendar months from the last day of the month during which the same was issued; and the holder, to obtain the amount of an invalid postal note, must forward it to the superintendent of the money-order system at Washington, District of Columbia, together with an application in such manner and form as the Postmaster-General may prescribe, for a duplicate thereof payable to such holder; and an additional fee of 3 cents is charged and exacted for the issue of the duplicate.

The following figures, summarised (by the 'New York World') from the annual report to Congress by the Postmaster-General for year ending June 30, 1886, indicate the enormous postal business in the United States, viz. :—

The mileage of mail transportation exceeded by more than 125,000,000 the service rendered to any other Government, and the letters mailed were 100,000,000 more than in Great Britain. During the year 22,747 postmasters were appointed, of whom 9566 were upon removals, 16 were arrested for fraud, and from 300 to 400 cases were being investigated. $78,578.60 were recovered as wrongfully taken. There were 483 additional carriers employed, increasing the total number to 4841, and the cost was $4,312,306.70, an increase of $326,354.15, or 8.18 per cent. The number of pieces of mail matter handled was 1,949,520,599, an increase of 204,983,186. The amount of postage on local matter was $5,839,242.97,—an excess over the cost of the service of $1,526,936.27.

The money-order system was extended to 301 additional offices. 7,940,302 domestic orders were issued for nearly $114,000,000; 5,999,428 postal notes for $11,718,000; and 493,423 international orders for $7,178,786.21 were issued. The total net revenue paid into the Treasury was $350,551.87.

The special delivery service was hampered by its limitations, but $84,784.82 was spent for it, the gross profit being about $27,000.

The total excess of cost over revenue was $8,254,157.52. In 1885 it was $8,821,665.70.

The estimate of the revenue for the coming year was $47,312,710.83. The appropriations for the year, exclusive of the cost of the special delivery service, exceeded this sum by $7,058,152.42.

FOREIGN RELATIONS.

Every person who violates any safe-conduct or passport, duly obtained and issued under authority of the United States, or assaults, strikes, wounds, imprisons, or in any other manner offers violence to the person of a public Minister, in violation of the law of nations, shall be imprisoned for not more than three years, and fined at the discretion of the court. Ministers are persons invested with and exercising the principal diplomatic functions. Writs or process in United States or state courts against the person or goods or chattel of a Minister of any foreign prince or state, authorised and received as such by the President, or of any domestic or domestic servant of such Minister, is void, and the party suing it out, whether principal, attorney, or solicitor, or officer concerned in executing it, is a violator of the law of nations, and a disturber of the public repose, and liable to be imprisoned for not more than three years, and fined at the discretion of the court. But citizens and inhabitants of the United States in the service of such Minister are not thus protected when the process is founded on a debt contracted before entering upon such service, or when their names have not been registered, before the issuing of such process, in the Department of State, and transmitted to the marshal of the District of Columbia, who posts such names in some public place in his office, where any one can take copies without fee.

Natives, citizens, denizens, or subjects of a foreign nation, being males

of the age of fourteen years and upward, who are within the United States, and not actually naturalised, are, whenever war is declared or an invasion or predatory incursion is perpetrated, attempted, or threatened, liable to be apprehended, restrained, secured, and removed as alien enemies. Those who are not chargeable with actual hostility or other crime against the public safety are allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time stipulated by any treaty in force between the United States and such hostile nation or Government; or, when there is no such treaty stipulation, the President may ascertain and declare such reasonable time as may be consistent with the public safety and according to the dictates of humanity and national happiness. After proclamation has been made by the President, the United States criminal courts, upon complaint against any alien enemy resident and at large within their respective jurisdictions, may cause such alien to be arrested, and, after examination and hearing, order him to be removed out of the territory of the United States, or to give sureties for his good behaviour, or to be otherwise restrained conformably to the proclamation or regulations established by the President, and to imprison or otherwise secure him until the order so made is performed. The marshal of the district executes the warrant of the President, or the order of the court, judge, or justice.

Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul-general, consuls, vice-consuls, or consular or commercial agents of each nation, have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation between the master or officers and any of the crew, or between any of the crew themselves, of any nation belonging to the nation represented by the consular officer, such stipulations are executed and enforced within the jurisdiction of the United States, if the President is satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and has issued his proclamation to that effect. The proper consular officer may make application to any United States court of record or to any commissioner of a circuit court, setting forth the facts, and exhibiting a certified copy or extract of the shipping articles, &c., proving that the person in question is of the crew, and certifying that, to the best knowledge and belief, such person is not a citizen of the United States; and thereupon the court, &c., issues a warrant for the arrest of such person to be brought before such court, &c., for examination. The application must be in writing, and duly authenticated by the consular or other sufficient official seal. If the party arrested is not a citizen, and the court, &c., finds upon the papers a sufficient *primâ facie* case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, a warrant is issued committing such person to prison, or, in the discretion of the court, &c., to the master or chief officer of the vessel, and to the jurisdiction of the consular or commercial authority, to the exclusion of any authority or jurisdiction in the premises of the United States or any state thereof.

Marriages in presence of any consular officer of the United States in a

foreign country between persons who would be authorised to marry if residing in the District of Columbia, are valid to all intents and purposes, and have the same effect as if solemnised within the United States. The consular officers give the parties a certificate of marriage, and send another certificate thereof to the Department of State, there to be kept.

In certain countries the Ministers and consuls of the United States, duly appointed to reside in them, in addition to other powers and duties imposed upon them respectively by the provisions of the treaties, are by treaty fully empowered to arraign and try in prescribed form all citizens of the United States charged with offences against law, committed in such countries respectively, and to sentence such offenders in the manner authorised, and to issue such processes as are suitable and necessary to carry this authority into execution. Such officers have also the judicial authority necessary to execute the provisions of the treaties respectively in regard to civil rights, whether of property or person, their jurisdiction embracing all controversies between citizens of the United States, or others, provided for by such treaties respectively. In all cases, civil and criminal, the jurisdiction is exercised and enforced in conformity with the laws of the United States, or, if these be unadapted or deficient, the common law and the law of equity and admiralty, or, if these do not furnish sufficient remedies, the Ministers in those countries respectively supply the defects and deficiencies by decrees and regulations which have the force [illegible] Consuls can cause the arrest state, and citizen of the United States by the Pre[illegible]h being an offender. Minor domestic [illegible]onsuls can call upon the is void, and [illegible]ties to sustain and supwhether prim[illegible] the execution of the powers confided to them by treaty. If at any time there be no Minister in either of the countries with which there exists such a treaty, the judicial duties imposed upon the Minister devolve upon the Secretary of State, who is authorised and required to discharge them.

By the treaty between the United States and Madagascar of "peace, friendship, and commerce," proclaimed March 13, 1883, all disputes and differences arising between citizens and proteges of the United States and subjects of Madagascar, and all criminal offences committed by such citizens and proteges against said subjects, and *vice versa*, as well as all infringements of the laws of Madagascar by the United States citizens and proteges, are to be investigated, tried, and adjudged by "mixed courts." The chief United States diplomatic officer in Madagascar, or, if none, the chief or senior United States consular officer and a Malagasy officer appointed by the Queen of Madagascar for that purpose, constitute a "mixed superior court," which is a court of record, having both original and appellate jurisdiction; and there is one inferior mixed court in each United States consular and each United States consular agent's district in Madagascar, consisting of the United States consular officer of the district and a Malagasy officer appointed by the Queen's Government for the purpose for each district. These inferior courts have original jurisdiction of civil cases up to $500, or imprisonment for not more than one year, or both. Appeals from the superior mixed courts may be taken to either of the two Governments, at the option of the party appealing. In the trial of actions in these courts the native judges preside, and have the prevailing voice when United States citizens or proteges are plaintiffs, and *vice versa* when United

States citizens or proteges are defendants.

The following salaries are (according to appropriations of 1886) paid to the envoys extraordinary and ministers plenipotentiary of the United States to the following countries, each as follows—viz.: to Great Britain, France, Germany, and Russia, $17,500; Japan, China, Spain, Austria, Italy, Brazil, and Mexico, $12,000; Guatemala, Costa Rica, Honduras, Nicaragua, and Salvador, to reside at such place in either of said states as the President may direct, $10,000; Turkey, $10,000; United States of Columbia, $7500; Ministers resident in Belgium, Netherlands, Hawaiian Islands, Sweden and Norway, and Venezuela, $7500; to Minister resident and consul-general in the Argentine Republic, $7500; Liberia, Switzerland, Denmark, Portugal, Siam, Persia, Corea, Hayti, and Bolivia, $5000; and the Minister resident and consul-general in Hayti shall also be accredited as *chargé d'affaires* to Santo Domingo; Minister resident to Roumania, Servia, and Greece, $6500; agent and consul-general at Cairo, $5000; *chargé d'affaires* to Paraguay and Uruguay, $5000.

The secretaries of legation in London, Paris, Berlin, and St Petersburg, China, and Japan, are each paid $2625; those in Spain, Turkey, Austria, Italy, Brazil, and Mexico, each $1800; those in Chili and Peru, $1500 each. Second secretaries of legation in London, Paris, and Berlin, are each paid $2000. Those in Japan and China, who shall be American students of the language of the court and country to which they are appointed, respectively, and shall be allowed and required, under the Secretary of State, to devote their time to the acquisition of such language, $1800 each; clerk to the legation in Spain, $1200; secretary of legation and consul-general at Bogota, $2000; secretary of legation in Central America, and consul-general to Guatemala, $2000.

Interpreters to legation are paid thus: China, $3000; Japan and Turkey, $2500 each, but no person drawing these salaries is allowed any part of the salary appropriated for any secretary of legation: Persia, $1000; Corea, $1000; Bangkok, Siam, $500.

Each of the consuls-general at London, Paris, Havanna, and Rio de Janeiro, $6000; Shanghai and Calcutta, $5000; Melbourne, $4500; Kanagawa, Panama, Berlin, Montreal, and Honolulu, $4000; Halifax, $3500; St Petersburg, Frankfort, Vienna, Constantinople, Rome, and in Equador, $3000; Mexico, $2500.

The consuls at Liverpool, $6000, and at Kong-Kong, $5000. The others are divided thus: second class, with salaries of $3500; third, $3000; fourth, $2500; fifth, $2000; sixth, $1500; and seventh, $1000.

Commercial agencies are at Saint Paul de Loando, Levaka, and Gaboon. In the estimates for the fiscal year ending June 30, 1888, there shall be estimated for, specifically, under classified consulates, all consulates and commercial agencies, where the fees collected or compensation allowed for the fiscal year ending June 30, 1886, exceeds $1000. Hitherto salaried consular officers had to turn over into the United States Treasury all fees received, while those unsalaried retained the fees until the amount reached $2500 in cases of consuls, or $1000 in cases of consular agents, the surplus over these maximum sums being paid into the United States Treasury.

There are consular officers not citizens of the United States.

INSURRECTION.

In case of an insurrection in any state against the Government thereof, it is lawful for the President, on application of the legislature of such state, or of the executive when the legislature cannot be convened, to call forth such number of the militia of any other state or states which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ for the same purpose such part of the land or naval forces of the United States as he deems necessary. And when it becomes impracticable in the judgment of the President to enforce by the ordinary course of judicial proceedings the laws of the United States within any state or territory, it is lawful for the President to call forth the militia of any or all the states, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion in whatever state or territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any state so obstruct or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such state of any of the rights, privileges, or immunities, or protection named in the Constitution, and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such state are unable to protect, or from any cause fail in or refuse protection of the people in such rights, such facts are deemed a denial by such state of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it is lawful for the President, and it is his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

Whenever in the judgment of the President it becomes necessary to use the military forces, he forthwith, by proclamation, commands the insurgents to disperse and retire peaceably to their respective abodes within a limited time; should the insurgents have failed to disperse by the time directed, and claim to act under the authority of any state or states, and such claim is not disclaimed or repudiated by the persons exercising the functions of Government in such state or states, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such state or states, or should the inhabitants of any state or part thereof be at any time found by the President to be in a state of insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such state, or of any section or part thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest

of the United States ceases, and is unlawful, so long as such condition of hostility continues; and all goods and chattels, wares and merchandise, coming from such state or section into the other parts of the United States, or proceeding from other parts of the United States to such state or section, by land or water, are, together with the vessel or vehicle conveying the same, or conveying persons to or from such state or section, forfeited to the United States. And whenever any part of a state not declared to be in insurrection is under the control of insurgents, or is in dangerous proximity to places under their control, all commercial intercourse therein and therewith is subject to the same prohibitions and conditions for such time and to such extent as becomes necessary to protect the public interests, and is directed by the Secretary of the Treasury, with the approval of the President.

CRIMES AND PRISONERS.

According to the general provisions of the United States Revised Statutes concerning crimes, no conviction or judgment works corruption of blood or any forfeiture of estate. The punishment of death is inflicted by hanging. The punishments of whipping and of standing in the pillory are not to be inflicted. The benefit of clergy is not to be used or allowed upon conviction of any crime punishable by death. Whenever, by the judgment of any court or judicial officer of the United States in any criminal proceeding, any person is sentenced to two kinds of punishment, pecuniary and corporal, the President has discretionary power to pardon or remit, in whole or in part, either of them, without in any manner impairing the legal validity of the other, or of any portion of either kind not pardoned or remitted. The jurisdiction of the courts of the several states under the laws thereof is not taken away or impaired. Persons being tried for crimes are at their own request, but not otherwise, competent witnesses, and failure to make such request does not create any presumption against them.

Any person owing allegiance to the United States who levies war against them, or adheres to their enemies, giving them aid and comfort, within the United States or elsewhere, is guilty of treason, and shall suffer death, or at the discretion of the court shall be imprisoned at hard labour for not less than five years, and fined not less than $10,000, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States. Every person owing allegiance to the United States, and having knowledge of the commission of any treason against them, who conceals and does not, as soon as may be, disclose and make known the same to the President, or to some judge of the United States, or to the governor, or to some judge or justice of a particular state, is guilty of misprision of treason, and shall be imprisoned not more than seven years, and fined not more than $1000. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto, shall be punished

by imprisonment not more than ten years, or by a fine of not more than $10,000, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States. Every citizen of the United States, whether actually resident or abiding within the same, or in any foreign country, who, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign Government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign Government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States; and every person being a citizen of, or resident within, the United States, and not duly authorised, who counsels, advises, or assists in any such correspondence, with such intent, shall be punished by a fine of not more than $5000, and by imprisonment during a term not less than six months nor more than three years; but this shall not be construed to abridge the right of a citizen to apply, by himself or his agent, to any foreign Government or the agents thereof, for redress of any injury which he may have sustained from such Government, or any of its agents or subjects. Every person who carries on a correspondence by letter or otherwise with any foreign nation or Power with an intent to get Indians to war against the United States, or who alienates, or attempts to alienate, the confidence of Indians from the United States Government, is liable to a penalty of $1000. If two or more persons in any state or territory conspire to overthrow, put down, or to destroy by force, the Government of the United States, or to levy war against them, or to oppose by force the authority thereof; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States contrary to the authority thereof, each of them shall be punished by a fine of not less than $500 and not more than $5000, or by imprisonment, with or without hard labour, for a period not less than six months nor more than six years, or by both such fine and imprisonment. A conspiracy to prevent any person from accepting or holding office under the United States, &c., persons engaged in a conspiracy to deprive any person of the equal protection of the laws, or in a conspiracy to prevent any person supporting any candidate, &c., are punishable by fine and imprisonment, or either, as just stated. Every person who recruits soldiers or sailors within the United States to engage in armed hostility against the same, or who opens within the United States a recruiting-station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not less than $200 nor more than $1000, and imprisoned not less than one year nor more than five years. Every soldier or sailor enlisted or engaged within the United States, with intent to serve in armed hostility against the same, shall be punished by a fine of $100, and by imprisonment not less than one year nor more than three years.

Every person who, corruptly, or by threats or force, or by threatening letters or any threatening communications, endeavours to influence, intimidate, or impede any grand or petit juror of any court of the United States in the discharge of his duty, or who corruptly, or by threats or force, or by threatening letters or any threatening communications, influences, obstructs, or impedes, or

endeavours to influence, obstruct, or impede, the due administration of justice therein, is punishable by a fine of not more than $1000, or by imprisonment not more than one year, or both such fine and imprisonment; and every person who attempts to influence the action or decision of any grand or petit juror upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any letter or any communication in print or writing in relation to such issue or matter, without the order previously obtained of the court before which the juror is summoned, is punishable in the same manner stated above. If two or more persons in any state or territory conspire to deter by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein freely, fully, and truthfully; or to injure such party or witness in his person or property on account of his having so attended or testified; or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court; or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him; or of his being or having been such juror — each of such persons shall be punished by a fine of not less than $500 nor more than $5000, or by imprisonment, with or without hard labour, not less than six months nor more than six years, or by both such fine and imprisonment. A similar punishment is inflicted in cases of conspiracy to defeat the enforcement of the laws. Every person who directly or indirectly bribes a judge, shall be fined and imprisoned at the discretion of the Court, and shall for ever be disqualified to hold any office of honour, trust, or profit under the United States. And every person who promises, offers, gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value to any member of either House of Congress, either before or after such member has been qualified or has taken his seat, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House, or before any committee thereof, shall be fined not more than three times the amount of money or value of the thing so offered, &c., or procured to be offered, &c., and shall be moreover imprisoned not more than three years. Judges, members, and United States officers accepting such bribery shall be punished in like manner; and every member, officer, or person convicted thereof, who holds any place of profit or trust, shall forfeit his office or place, and shall thereafter be for ever disqualified from holding any office of honour, trust, or profit under the United States. Every person who by any unlawful means hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, &c., any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any state, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivisions, shall be fined not less than $500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment. Every person who prevents, hinders, con-

trols, or intimidates another from exercising, or in exercising the right of suffrage to whom that right is guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labour, or by threats of violence to himself or family, is punishable in manner as above stated. Parties to a conspiracy to injure or intimidate citizens in the free exercise of civil rights shall be fined not more than $500 and imprisoned not more than ten years, and shall be thereafter ineligible to any office or place of honour, profit, or trust created by the Constitution or laws of the United States. Felonies and misdemeanours committed in the act of violating the two last provisions are to be punished with such punishment as may be prescribed by the laws of the state in which the offence is committed. Every person who, under colour of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any state or territory to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishment, pains, or penalties on account of such inhabitant being an alien, or by reason of his colour or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than $1000, or by imprisonment not more than one year, or by both; and a civil action for damages, &c., lies against the person depriving a citizen of any rights secured by the Constitution and laws. According to the United States laws, accessories after the fact to murder, robbery, or piracy shall be imprisoned not more than three years, and fined not more than $500. Accessories after the fact to any robbery of the carrier, agent, or other person intrusted with the mail, of such mail or any part thereof, shall be fined not more than $2000, and be imprisoned at hard labour not more than ten years; and accessories after the fact to the offence of stealing or taking any letter or other mail-matter, or any inclosure therein, shall be fined not more than $1000, and be imprisoned not more than five years. It is unnecessary for the purpose of this work to state more of the many punishments by fine or imprisonment, or both, meted out to offenders and criminals by the several United States Statutes.

Treatment of Prisoners.

All persons convicted of crime by any court of the United States, whose punishment is imprisonment, in a district or territory where at the time of conviction, or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, are confined during the term or residue of the term of sentence in some suitable jail or penitentiary in a convenient state or territory, designated by the Attorney-General, and are transported and delivered to the warden or keeper thereof, by the marshal of the district or territory where the conviction has occurred. But if, in the opinion of the Attorney-General, the expense of transportation would exceed the cost of maintaining such convicted persons in jail in the state, territory, or District of Columbia, during the period of their sentence they are not so transported. The place of imprisonment may be changed in any case when, in the opinion

of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel or improper treatment. No change is made on the ground of the unhealthiness of the prisoner, or because of his treatment, unless the prisoner or some one in his behalf apply for it. Prisoners in the jail or penitentiary of any state or territory are in all respects subject to the same discipline and treatment as convicts sentenced by the courts of the state or territory in which their place of confinement is situated, and are exclusively under the control of the officers having charge of the same under the laws of such state or territory. United States convicts sentenced to imprisonment for more than one year, or to imprisonment and confinement to hard labour, may be confined during the term of sentence in any state jail or penitentiary within the district or state where they were sentenced, if the use of such jail or penitentiary is allowed by the legislature of the state for that purpose.

United States prisoners confined in any prison or penitentiary of any state or territory which has no system of commutation for its own prisoners, have a deduction from their several terms of sentence of five days in each and every calendar month during which no charge of misconduct has been sustained against each severally, who is discharged at the expiration of his term of sentence less the time so deducted, and a certificate of the warden or keeper of such prison of such deduction is entered on the warrant of commitment. Should, however, the prisoner during the term of imprisonment commit any offence for which he is convicted by jury, all remissions theretofore made are thereby annulled. When there is a system of commutation in operation in the territory or state, United States prisoners confined in such state or territorial prison are entitled to the same rule of credits for good behaviour, applicable to other prisoners in the same jail or penitentiary. On the discharge from any prison of any person convicted under the laws of the United States on indictment, he or she is provided by the warden or keeper of said prison with one plain suit of clothes, and $5 in money, for which charge is made and allowed in the accounts of such prison with the United States.

Sentences may be ordered to be executed in any house of correction or house of reformation for juvenile delinquents within the state or district where such court is held, the use of which is authorised by the legislature of the state for such purpose. Offenders being under the age of sixteen years and convicted of crime, the punishment whereof is imprisonment, are confined during the term of sentence in some house of refuge designated by the Attorney-General, and transported and delivered to the warden or keeper thereof by the marshal of the district where the conviction has occurred.

The Attorney-General contracts for the imprisonment, subsistence, and proper employment of prisoners confined in state or territorial jails or penitentiaries with the managers or proper authorities having control of such prisoners; and for the imprisonment, subsistence, and proper employment of all juvenile offenders with the managers or persons having control of the houses of refuge.

INDIANS.

Indians occupy a peculiar position in the United States. They have not the rights and privileges of citizens: by secs. 2079 and 2080 of the United States Revised Statutes, "no Indian nation or tribe within the territory of the United States shall be acknowledged or recognised as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty, lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired. Whenever the tribal organisation of any Indian tribe is in actual hostility to the United States, the President is authorised by proclamation to declare all treaties with such tribe abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations." There is a board of Indian Commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who serve without pecuniary compensation, one of them acting as secretary, and receiving reasonable compensation, payable from any monies appropriated for the expenses of the board. This board supervises all expenditures of money appropriated for the benefit of Indians within the limits of the United States, and inspects all goods purchased for Indians in connection with the Commissioner of Indian Affairs, whose duty it is to consult the commission in making purchases of such goods. The members of this board are empowered to investigate Indian contracts, expenditure, accounts, &c. By and with the consent of the Senate, the President appoints a sufficient number of Indian inspectors, not exceeding five, who hold office for four years, unless sooner removed by the President, and each receives an annual salary of $3000, and his necessary travelling expenses, not exceeding 10 cents a mile, for actual travel while in the discharge of his duty. Each Indian superintendency and agency is visited and examined as often as twice a-year by one or more of the inspectors, such examinations, so far as practicable, being made alternately by different inspectors, so that the same agency or superintendency is not examined twice in succession by the same inspectors. The President is authorised to appoint from time to time, by and with the advice and consent of the Senate, a certain number of superintendents of Indian affairs for certain districts, who hold office for four years, give bond in such penalties, and with such security, as the President or the Secretary of the Interior requires, and receive suitable salaries. Their duty is to exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in Indian affairs, under such regulations as are established by the President, and to perform within their respective superintendencies such duties as are or may be assigned to superintendents of Indian affairs. The President is also authorised, by and with the advice and consent of the Senate, to appoint a certain number of Indian agents for certain agencies, who hold office for four years, and have to give bonds, &c. Each Indian agent, within his agency, manages and superintends the intercourse with the Indians agreeably to law; and executes and performs such regulations and duties, not inconsistent with law,

as are prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs. Every Indian agent resides and keeps his agency within or near the territory of the tribe for which he is agent, and at such place as the President designates, and does not depart from the limits of his agency without permission. Any United States military officer may upon occasion be required by the President to execute the duties of an Indian agent without any other compensation than his actual travelling expenses. The Indian agents receive salaries from $1000 to $1500 per annum. It is unnecessary to go into details of the laws regulating the intercourse between Indians and citizens and others; protecting the Indian reservations from the encroachments of citizens and others; setting forth the terms of agreements between the United States and various tribes, the punishment of crimes, &c., &c.

It is the declared law of New York, South Carolina, and Tennessee (Kent's Com., vol. ii. p. 72), and probably so understood in other states, that Indians are not citizens, but distinct tribes living under the protection of the Government, and consequently they never can be made citizens under the Act of Congress. In an Ohio case, it has been held that youths of negro, Indian, and white blood, but of more than one-half white blood, are entitled, under the school law in favour of white children, to the benefit of the common school fund. In the State of New York, by the Act of 10th April 1843, chap. 87, any native Indian may purchase, take, hold, and convey lands in the same manner as a citizen; and whenever he becomes a freeholder to the value of $100, he becomes subject to taxation, and liable on contracts, and subject to the civil jurisdiction of the courts of law and equity as a citizen. By the Act of Congress of March 3, 1842, provision was made for a just division of the lands belonging to the Stockbridge tribe of Indians, in the Territory of Wisconsin, among them individually, and patents to be issued to such individuals, in severalty and in fee; and such Indians were thenceforth to be deemed citizens of the United States, with all the privileges and duties attached thereto, and the powers and usages of those Indians as a tribe were thenceforth to cease. By the United States laws of June 18, 1881, chap. 23, any Indian born in the United States who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned his tribal relations, shall, on making satisfactory proof of such abandonment, under the rules prescribed by the Secretary of the Interior, be entitled to the benefits of the Act entitled "An Act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and the Acts amendatory thereof, except that the provisions of the eighth section of the said Act are not held to apply to entries made under this Act; provided, however, that the title to lands so acquired by any Indian is not subject to alienation or incumbrance either by voluntary conveyance or the judgment, decree, or order of any court, and remains inalienable for a period of five years from the date of the patent issued therefor. Any such Indian is entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations is void. In reservations in the State of New York, the Indians elect by a plurality of votes, given

by ballot, a clerk and treasurer, a certain number of peacemakers, and a marshal, all of whom are Indians of the nation, qualified to vote and hold office for one year. Male Indians of the age of twenty-one years belonging to the particular tribe are qualified to vote. In 1824 difficulty arose in the Stockbridge Indians respecting their mode of appointing peacemakers, on account of the mulattoes and negroes that had been adopted into their nation, and an Act was passed making it lawful for the Stockbridge and Delaware Indians that had been adopted into the Stockbridge tribe to meet in general council, and, by a majority of votes given in such council, to appoint peacemakers and a town-clerk, but unlawful for any negro or mulatto to meet or vote in any such council. By the laws of 1849, chap. 420, the first title of the eighth chapter and second part of the Revised Statutes "of husband and wife," and all laws in addition and amendatory thereof, and the Act entitled, "An Act to punish seduction as a crime," passed March 22, 1848, were extended over and made applicable to all Indians residing within the State of New York, with the same force and effect as if they were citizens of the state; and the same courts having jurisdiction under those laws in cases of citizens, have jurisdiction in like cases in which one or more Indians may be concerned. All Indians who contract marriage according to the Indian custom or usage, and cohabit as husband and wife, are deemed and held to be lawfully married and their children legitimate. Marriages between Indians may be solemnised by peacemakers within their jurisdiction with the like force and effect as if by a justice of the peace. These peacemakers have authority to hear and determine all matters, disputes, and controversies between any Indians residing upon their respective reservations, but do not take cognisance of any claim founded upon any debt or demand originally contracted with a white man. Two of them form a court. They cannot, in the Tonawanda reservation, award more than $100, exclusive of costs, in favour of any party in any one complaint or suit. No peacemaker acts in any case in which he is related by blood to either of the parties within the fourth degree by the common law, or has any interest in the controversy; and when such relationship or interest in any two of the three peacemakers is established to the satisfaction of the other, he associates with him any two chiefs residing on the reservation not related to the parties, and not having any interest in the controversy, and they, or a majority of them, form the court. Any person dissatisfied with the determination of any tribunal may appeal therefrom to a jury of six chiefs. Upon the appealing party giving security, approved by the peacemakers, to pay the amount to be awarded by the jury, the tribunal whose decision is appealed from causes the marshal to summon twelve chiefs designated by it, six of whom are drawn by lot, to hear the appeal. Chiefs related or interested as aforesaid are set aside, and others are drawn instead of them. The jury thus constituted hears the appeal, examines the witnesses and parties on oath, if required, in the same cases, and in like manner, and upon the like evidence, as in the case of a determination by the peacemakers. Each such juror is entitled to receive 25 cents for his services, paid in the first instance by the party appealing,—they in their final determination directing which party is to pay the costs and expenses. Peacemakers do not receive any fees for their services to their own use, but all such fees are paid to the treasurer of the band for its use. The unsuc-

cessful party in a controversy pays the costs, consisting of the fees of the marshal and 50 cents each for the attendance of the peacemakers, and 25 cents for each adjournment. The marshal holds the same position as a constable in towns of the state. His fees are 12½ cents for serving every summons, and 25 cents for serving every execution not exceeding $2.50, and at the rate of 10 cents in the dollar for any excess thereover. The peacemakers are each allowed, by the chiefs in council, an annual compensation not exceeding $50, paid semi-annually by the treasurer. In suits between Indians which involve over $100, the amount which the peacemakers can award, the state courts have to be resorted to, in the same manner and with the like effect as between white citizens. Upon 4th December 1848 the Seneca Indians on the Allegany and Cattaraugus reservations met in convention, and formed a constitution for their government founded on popular elections, and thereby abrogated their former government by chiefs, and the state legislature passed concurrent resolutions recognising this new government, in which it was resolved, "That the recognition by the Government of the United States of the new government formed by the Indians residing on the Cattaraugus and Allegany reservations establishes the new government as that which the State of New York must receive and acknowledge in its dealings with said Indians, and that the officers of this state ought, and are hereby instructed, to respect such new government accordingly." In these reservations the peacemakers have exclusive jurisdiction to grant divorces as between Indians residing on said reservations, with the right of appeal to the council by any party aggrieved. Among the Brotherton Indians the rule of descent of lands is that children take equally if they are all in equal degree of kindred to the deceased, but the issue of a deceased child or children take only such share as the parent would have taken if living, and the like division, *per stirpes*, is made among the descendants of such deceased Indian in the remotest degree; and if such Indian leave no issue, then the lands revert to the Brotherton Indians, and the superintendents thereupon assign the same to some other Indian or Indians entitled thereto. But the widow in all cases has a right to continue in the house her husband died possessed of during her widowhood, and the superintendents also assign to her so much of the land of her husband as they think necessary.

The aim of all the United States and state legislation regarding Indians is to gradually civilise and educate them in the ways of self-government, with the view of ultimately making them citizens; meantime to protect them from citizens and others, who would soon, if not prevented by stringent laws, deprive the Indians of all lands and property, and drive them into Sheol.

The Secretary of the Interior, in his annual report for 1886, spoke very favourably of the progress of Indian affairs, and submitted evidence that the work of elevating the race was bearing fruit. He referred to the policy of the administration thus: "That policy, as I understand it, is the incorporation of the Indian race into our political and social system as citizens. Before, however, this consummation, which will be the crowning glory of our Government, can be attained, there must be some radical changes in our Indian policy. The present system was, when adopted, admirably adapted to the then existing condition of the Indians, and is yet, so far as is required to keep in order and peace and the greatest practicable comfort a large

mass of savage and semi-barbarous population, dependent upon the chase and the bounty of the Government for its subsistence. But this condition it is impossible to continue. The only alternative now presented to the American Indian race is speedy entrance into the pale of American civilisation, or absolute extinction. In order to escape the latter and attain the former, three conditions of preparation are indispensable. The first is to get established in this race the idea and habitude of individual property-holding, thorough reliance upon its inviolability, and a perfect sense of security in the enjoyment of its benefits. Second, an education of the entire mass of the youth of this race, embracing a thorough knowledge of the use of the English language in the daily affairs of life, arithmetic and the mechanical arts among the males, and among the females the domestic arts in use with that sex. Third, a substitution of the universal operation of law among them, in the enforcement of justice and the protection of person and property, and the punishment of crimes, for the agencies of force and superstition." The work of locating the Indians on lands in severalty has been, and is now being, pushed with commendable activity by the Commissioner of Indian Affairs. During the year about 800 Indians have received title, as prescribed by treaties, to allotments of land for individual occupancy. Quite a number have taken up homesteads on the public domain under the Indian homestead laws. A large number have been located who have not yet been furnished with a title to their selections. There are 214 Indian schools, with an average attendance of 9528, which cost the Government last year $787,881.42. Crimes committed by Indians frequently go unpunished, because of the expense which would be entailed upon the territories. The report recommends that the territories should be relieved of such burdens, and that provision should be made for compensating Indians whose land is taken for railroad purposes. The total amount expended by the Indian Bureau was $6,190,751.82; balance of appropriation unexpended, $1,660,023.30.

In his annual message of 1886, the President renews his recommendation for "the appointment of a commission as an instrumentality auxiliary to those already established for the care of the Indians." It was designed that the commission should be composed of six intelligent and capable persons, three to be detailed from the army, having practical ideas upon the subject of the treatment of Indians, and interested in their welfare; and that it should be charged, under the direction of the Secretary of the Interior, with the management of such matters of detail as cannot, with the present organisation, be properly and successfully conducted, and which present different phases, as the Indians themselves differ in their progress, needs, disposition, and capacity for improvement or immediate self-support.

A commission, consisting of Bishop H. B. Whipple of Minnesota, Colonel J. V. Wright of Tennessee, and Major C. F. Larrabee of the Indian Office, appointed by an Act of Congress to negotiate with certain Indian tribes in Minnesota, Dakota, Montana, Idaho, and Washington Territory, submitted a report of their operations to the Commissioner of Indian Affairs. It seems they effected two separate and distinct agreements—viz., (1) with the Indians of the White Earth, Leech Lake, Cass Lake, Lake Winnebigoshish, and White Oak Point reservations and the Gull River band; and (2) with the Indians of the Red Lake reservations. By the first agreement,

the unoccupied lands of the White Earth reservation are thrown open for all of the tribes and bands of the Chippewas in Minnesota, the Indians occupying the reservation, which contains about 800,000 acres, being first permitted to make selections for themselves. The quantity of land each Indian will be entitled to receive under the agreement is as follows: "Each head of a family, 160 acres; each single person over eighteen years of age, 80 acres; each orphan child under eighteen years of age, 80 acres; each other person under eighteen years of age, 40 acres. Every Indian will receive a patent which shall be of the legal effect, and declare that the United States will hold the lands thus allotted for the period of fifty years, and such further time as the President may direct, in trust for the allottee or his heirs according to the laws of Minnesota. At the expiration of the fifty years the land is to be conveyed to the allottees in fee." It is also provided that the laws of marriage, descent, and partitions in force in the State of Minnesota, shall apply thereto after the first patents therefor shall have been executed and delivered. The Indians are to have the benefit of, and be subject to the criminal laws of, the state in all offences, the penalty for which is death or imprisonment in the state penitentiary. The residue of lands, after all allotments have been made, is to be patented by the consolidated tribes in common, and held in trust as in the case of individual allotments, and every child who may be born within the fifty years' limit is to have a tract of 40 acres. Provision is made for the support of the Indians removing to White Earth, to be continued until they are able to take care of themselves, but in no event to exceed two years. Each head of a family, and each male Indian over eighteen years of age when he becomes a permanent resident upon his allotment, will be provided with a comfortable hewn loghouse, a coal stove, a yoke of oxen, a waggon, a plough, a cow, an axe and other implements of husbandry; each Indian shall have 5 acres of land broken for him, and be furnished with seed for his first crop. Industrial and district schools are to be established for all of the children on the reservation. By the second agreement with the Red Lake band of Chippewas, about two-thirds of their reservation, or an area estimated to contain over 2,000,000 acres, is ceded to the United States, to be sold for the benefit of the Indians. The portion ceded embraces a vast timber zone, said to be of almost incalculable value. The funds derived from these sales are to be placed in the Treasury to the credit of the Red Lake Indians, and bear interest, which is to be expended in their civilisation and education, and in making improvements on their reservation. (The writer is indebted to the 'New York World' of December 11, 1886, for this paragraph.)

The sums necessary for the purpose of paying the current and contingent expenses of the Indian Department for the year ending June 30, 1887, and fulfilling treaty stipulations with the various Indian tribes, included the pay of 60 agents of Indian affairs at named agencies, at salaries ranging from $1000 to $2000; and for the Eastern Cherokee Indians, $800—in all $89,300; for interpreters to be distributed in the discretion of the Secretary of the Interior, $25,000,—but no person employed by the United States, and paid for any other service, shall be paid for interpreting. Also sums for the pay of five Indian inspectors; one Indian school superintendent; and for the expenses of the commis-

sion of citizens serving without compensation, appointed by the President, under the provisions of the 4th section of the Act of April 10, 1869.

To show how the various Indian tribes are subsidised according to treaties, the following notes are taken from the Appropriation Act, chap. 333 of the laws of 1886:—

Apaches, Kiowas, and Comanches—		
For the nineteenth of thirty instalments	$30,000	
For clothing	13,000	
For pay of carpenter, farmer, blacksmith, miller, and engineer	4,500	
For pay of physician and two teachers	2,500	
		$49,000.00
Cheyennes and Arapahoes—		
For the nineteenth of thirty instalments	$20,000	
For clothing	12,000	
For pay of carpenter, farmer, blacksmith, miller, and engineer	4,500	
For pay of physician and teacher	2,000	
		38,500.00
Chickasaws—		
For permanent annuity, in goods		3,000.00
Chippewas of the Mississippi—		
For fortieth of forty-six instalments	$1,000	
For support of schools upon said reservation, during the pleasure of the President	4,000	
		5,000.00
Chippewas, Pillagers, and Lake Winnebigoshish Bands—		
For thirty-second of forty instalments of annuity in money	$10,666.66	
For thirty-second of forty instalments of annuity in goods	8,000.00	
For thirty-second of forty instalments for purposes of utility	4,000.00	
		22,666.66
Choctaws		
For permanent annuity	$3,000.00	
For permanent annuity for support of blacksmith	600.00	
For permanent annuity for education	6,000.00	
For permanent annuity for iron and steel	330.00	
For interest on $390,257.92 for education, support of the Government, and other beneficial purposes, under the direction of the general council of the Choctaws	19,512.89	
		29,442.89
Columbias and Colvilles—		
For annuity for Chief Moses	$1,000	
For annuity for Chief Tonasket	100	
For employees	6,000	
		7,100.00
Creeks—		
For permanent annuity in money (treaties of 1790 and 1856)	$1,500.00	
For permanent annuity in money (treaties of 1802 and 1856)	3,000.00	
For permanent annuity in money (treaties of 1824 and 1856)	20,000.00	
Carry forward	$24,500.00	$154,709.55

Brought forward . .	$24,500.00	$154,709.55
Creeks—*continued*.		
For permanent annuity for blacksmith and assistant, and for shop and tools (treaties of 1826 and 1856)	840.00	
For permanent annuity for iron and steel (same treaties)	270.00	
For permanent annuity for the pay of a wheelwright (same treaties)	600.00	
For interest on $200,000 for purposes of education (treaty of 1856)	10,000.00	
For interest on $675,168, to be expended under the direction of the Secretary of the Interior (treaty of 1856)	33,758.40	
		69,968.40
Crows—		
For fifth of twenty-five instalments, to be used by the Secretary of the Interior in such manner as the President may direct (treaty of 1880)	$30,000	
For eighteenth of thirty instalments to supply male persons, 600 in number, over fourteen years of age, with a suit of good substantial clothing, consisting of a coat, hat, pantaloons, flannel-shirt, and woollen socks (treaty of 1868)	6,000	
For eighteenth of thirty instalments to supply each female, 700 in number, over twelve years of age, with a flannel-shirt, or the goods necessary to make the same, a pair of woollen hose, 12 yards of calico, and 12 yards of cotton domestic	4,000	
For eighteenth of thirty instalments to supply 350 boys and 350 girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, with a pair of woollen hose for each	5,000	
For pay of a physician	1,200	
For seventeenth of twenty instalments for pay of teacher, and furnishing necessary books and stationery	1,500	
For pay of carpenter, miller, engineer, farmer, and blacksmith	3,300	
For pay of second blacksmith, and iron and steel	1,500	
For this amount, or so much thereof as may be necessary to furnish such articles of food as from time to time the condition and necessities of the Indians may require	60,000	
		112,500.00
Iowas—		
For interest, in lieu of investment, on $57,500, balance of $157,500, to July 1, 1886, for education or other beneficial purposes, under the direction of the President		2,875.00
Kansas—		
For interest, in lieu of investment, on $200,000		10,000.00
Kickapoos—		
For interest on $85,175.68 for education and other beneficial purposes	$4,408.78	
This amount to enable the President of the United States to carry out the provisions of the treaty of 1862, to be paid as therein provided, and under such rules as the Secretary of the Interior may		
Carry forward . .	$4,408.78	$350,052.95

Brought forward . .	$4,408.78	$350,052.95
Kickapoos—*continued.*		
prescribe, to five Kickapoo Indians who have become citizens of the United States . . .	1,689.20	
		6,097.98
Klamaths and Modocs—		
For last of twenty instalments for keeping in repair one sawmill, one flouring mill, buildings for the blacksmith, carpenter, waggon and plough maker, the manual-labour school, and hospital		1,000.00
Miamies of Kansas—		
For permanent provision for blacksmith and assistant, and iron and steel for shop . .	$411.43	
For permanent provision for miller, in lieu of gunsmith	262.62	
For interest on $21,884.81 for educational purposes .	1,094.24	
		1,768.29
Miamies of Eel River—		
For permanent annuity in goods or otherwise (treaty of 1792)	$500	
For permanent annuity in goods or otherwise (treaty of 1805)	250	
For permanent annuity in goods or otherwise (treaty of 1809)	350	
		1,100.00
Molels—		
For pay of teachers and for manual-labour schools, and for all necessary materials therefor, and for the subsistence of the pupils		3,000.00
Nez Perces—		
For salaries of two matrons to take charge of the boarding-schools and two assistant teachers, one farmer, one carpenter, two millers		3,500.00
Northern Cheyennes and Arapahoes—		
For eighth of ten instalments to be expended by the Secretary of the Interior, for each Indian engaged in agriculture, in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, and for subsistence as per agreement with the Sioux Indians	$30,000	
For eighteenth of thirty instalments for purchase of clothing, provided that the amount in this and the preceding paragraph be expended *pro rata* as near as may be for the Northern Cheyennes and Arapahoes in Wyoming, and on the Tongue river in Montana	12,000	
For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer	9,000	
		51,000.00
Omahas—		
For fourth of twelve instalments, being last series, in money or otherwise		10,000.00
Osages—		
For interest on $69,120, being value of fifty-four sections of land set apart for educational purposes		3,456.00
Otoes and Missourias—		
For fourth of twelve instalments, being the last series, in money or otherwise		5,000.00
Carry forward . .		$435,975.22

Brought forward . .		$435,975.22
Pawnees—		
For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them	$30,000	
For support of two manual-labour schools . .	10,000	
For pay of two farmers, two blacksmiths, and two apprentices, one miller and apprentice, and two teachers, one shoemaker, and one carpenter .	5,400	
For pay of physician and purchase of medicines .	1,200	
For purchase of iron and steel, and other necessaries for the shops	500	
		47,100.00
Poncas—		
For thirteenth of fifteen instalments, last series .	$8,000	
For this amount, or so much thereof as may be necessary, to be used at the discretion of the President to carry on the work of aiding and instructing them in the arts of civilisation with a view to their self-support, for clothing, and for pay of employees	5,000	
For this amount to be expended under the direction of the Secretary of the Interior for their subsistence	15,000	
		28,000.00
These sums were to be divided *pro rata* among all the members of said tribe in the Indian territory and in Dakota territory.		
Pottawatomies—		
For permanent annuity, in silver (treaty of 1795) .	$357.80	
For permanent annuity, in silver (treaty of 1809) .	178.90	
For permanent annuity, in silver (treaty of 1818) .	894.50	
For permanent annuity, in money (treaty of 1828) .	715.60	
For permanent annuity, in specie (treaties of 1829 and 1828)	5,724.77	
For permanent provision for payment of money in lieu of tobacco, iron, and steel (treaties of 1828 and 1846)	107.34	
For permanent provision for three blacksmiths and assistants, and for iron and steel for shops (treaties of 1826, 1828, 1829)	1,008.99	
For permanent provision for fifty barrels of salt .	156.54	
For interest on $230,064.20 (treaties of 1846) .	11,503.21	
		20,647.65
Pottawatomies of Huron—		
For permanent annuity, in money or otherwise . . .		400.00
Quapaws—		
For education, during the pleasure of the President .	$1,000	
For blacksmith and assistants, and tools, iron, and steel for blacksmith's shop	500	
		1,500.00
Sacs and Foxes of the Mississippi—		
For permanent annuity, in goods or otherwise .	$1,000	
For interest on $200,000	10,000	
For interest on $800,000	40,000	
		51,000.00
Provided that $1500 be used for the pay of a physician and for medicines.		
Carry forward . .		$584,622.87

Brought forward		$584,622.87
Sacs and Foxes of the Missouri—		
For interest on $157,400	$7,270	
For support of a school	200	
		$8,070.00
Seminoles—		
For interest on $250,000, to be paid as annuity	$12,500	
For interest on $250,000, to be paid as annuity (they having joined their brethren west)	12,500	
For interest on $50,000, to be paid annually for the support of schools	2,500	
For interest on $20,000, to be paid annually for the support of the Seminole government	1,000	
		28,500.00
Senecas—		
For permanent annuity, in specie (treaty of 1817)	$500	
For permanent annuity, in specie (treaty of 1818)	500	
For permanent annuity, for blacksmith and miller, to be annually paid to them as a national fund to be expended by them for such articles and wants and improvements in agriculture as their chiefs (with the consent of their agent) may designate	1,660	
For permanent annuity, in specie (treaties of 1818 and 1867)	500	
For blacksmith and assistant, shops and tools, iron and steel (treaties of 1831 and 1867)	530	
		3,690.00
Senecas of New York—		
For permanent annuity, in lieu of interest on stock	$6,000.00	
For interest, in lieu of investment, on $75,000	3,750.00	
For interest on $43,050 transferred from the Ontario Bank to the United States treasury	2,152.50	
		11,902.50
Shawnees—		
For permanent annuity for educational purposes (treaties of 1795 and 1854)	$1,000	
For permanent annuity in specie for educational purposes (treaties of 1817 and 1854)	2,000	
For interest on $40,000 for educational purposes (treaty of 1854)	2,000	
		5,000.00
Eastern Shawnees—		
For permanent annuity in specie	$500	
For blacksmith and assistant, shops and tools, iron and steel	530	
		1,030.00
Shoshones and Bannocks—		
Shoshones—		
For seventeenth of thirty instalments, to purchase suits of clothing for males over fourteen years of age; flannel, hose, calico, and domestics for females over the age of twelve years; and such goods as may be needed to make suits for boys and girls under the ages named	$10,000	
For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith	5,000	
For pay of second blacksmith and such iron and steel and other materials as are required	1,000	
Carry forward	$16,000	$642,815.37

Brought forward . .	$16,000	$642,815.37
Shoshones and Bannocks—*continued.*		
Bannocks—		
For seventeenth of thirty instalments, to purchase suits of clothing (as above for Seminoles) . .	5,000	
For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith . . .	5,000	
		26,000.00
Six Nations of New York—		
For permanent annuity in clothing and other useful articles .		4,500.00
Sioux of different tribes, including Santee Sioux of Nebraska—		
For seventeenth of thirty instalments, to purchase clothing for males over fourteen years of age; for flannel, hose, and calico, and domestics required for females over twelve years of age; and for such flannel and cotton goods as are needed to make suits for boys and girls	$30,000	
For seventeenth of thirty instalments, to purchase such articles as the Secretary of the Interior deems proper for persons roaming . . .	100,000	
For seventeenth of thirty instalments, to purchase such articles as the Secretary of the Interior deems proper for persons engaged in agriculture, at $20 per head	50,000	
For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith	10,400	
For pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota .	20,000	
For industrial schools at the Santee Sioux and Crow Creek agencies	6,000	
For subsistence of the Sioux, and for purposes of their civilisation (including transportation of supplies from the termination of railroad or steamboat transportation—Indians to be employed wherever practicable)	1,200,000	
For pay of matron at Santee agency . . .	500	
For pay of second blacksmith, and furnishing iron and steel and other material . . .	2,000	
For the support of the full-blood Indians in Minnesota belonging to the Medwakanton band of Sioux Indians, to be expended by the Secretary of the Interior in the purchase of such agricultural implements, cattle, lands, and in making improvements thereon, as in his judgment are best for said Indians	10,000	
Of this, $720 may be expended to pay a practical farmer for instructing the Indians in agriculture.		
		1,528,900.00
Sioux, Yankton Tribe—		
For eighth of ten instalments, third series . .	$25,000	
For subsistence and civilisation of 2000 Yankton Sioux	35,000	
		60,000.00
Confederated Bands of Utes—		
For pay of two carpenters, two millers, two farmers, and two blacksmiths	$6,720	
For pay of two teachers	1,800	
For purchase of iron and steel, and necessary blacksmith tools	220	
Carry forward . .	$8,740	$2,262,315.37

Brought forward . .	$8,740	$2,262,215.37
Confederated Bands of Utes—*continued.*		
For eighteenth of thirty instalments, to be expended under the direction of the Secretary of the Interior for clothing, blankets, &c.	30,000	
For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, and other necessary articles of food	30,000	
For pay of employees at Ute agencies . .	5,000	
		73,740.00
Winnebagoes—		
For interest on $804,909.17, to be expended by the Secretary of the Interior for the support, education, and civilisation of said Indians . .	$40,245.45	
For interest on $78,340.41, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects .	3,917.02	
		44,162.47
Utes—		
For sixth of ten instalments, to be distributed at the discretion of the President to such Ute Indians as distinguish themselves by good sense, energy, and perseverance in the pursuits of civilised life, and in the promotion of a good understanding between the Indians and the Government and people of the United States .		4,000.00
		$2,378,117.84

Miscellaneous Supports.

1. For subsistence and civilisation of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservations set apart for their use and occupation	$325,000.00
2. For subsistence and civilisation of Arickarees, Gros Ventres, and Mandans; for this amount to be expended in such goods, provisions, and other articles, as the President may from time to time determine; in instructing in agricultural and mechanical pursuits; in providing employees, educating children, procuring medicine and medical attendance; care for and support of the aged, sick, and infirm; for the helpless orphans of said Indians; and in other respects to promote their civilisation, comfort, and improvement	40,000.00
3. For subsistence and civilisation of the Assinaboines in Montana, including pay of employees	30,000.00
4. For support, education, and civilisation of Blackfeet, Bloods, and Piegans, including pay of employees	80,000.00
5. For the Chippewas of Lake Superior, to be expended for agricultural and educational purposes, pay of clerk, and necessary employees, purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians	5,000.00
6. Chippewas of Red Lake and Pembina tribe of Chippewas (the same purposes as No. 3)	10,000.00
7. For this amount, or so much thereof as necessary, to be expended, under the direction of the Secretary of the Interior, in the care and support of the Otter Tail, Pillager, Pembina, and Mississippi Indians on the White Earth reservation in Minnesota, to assist them in their agricultural operations, and for pay of physician (not over $1200)	10,000.00
Carry forward . .	$500,000.00

	Brought forward . .	$500,000.00
Miscellaneous Supports—*continued.*		
8.	For support and civilisation of Turtle Mountain band of Chippewas	7,000.00
9.	D'Wamish and other allied tribes in Washington Territory (same as No. 3)	7,000.00
10.	Confederated tribes and bands in Middle Oregon (as No. 3) .	6,000.00
11.	Carlo's band of Flathead Indians (as No. 3) . . .	16,000.00
12.	Flatheads and other confederated tribes (as No. 8) . . .	10,000.00
13.	Gros Ventres in Montana (as No. 8)	30,000.00
14.	To enable the Secretary of the Interior to purchase subsistence and other necessaries for the support of the Hualapais Indians in Arizona	5,000.00
15.	For this amount to subsist and properly care for the Apache and other Indians in Arizona and New Mexico collected on reservations in New Mexico or Arizona	210,000.00
16.	Indians at Fort Peck agency (as No. 2)	90,000.00
17.	Shoshones and Bannocks and other Indians of the Fort Hall reservation in Idaho Territory (as No. 4)	17,000.00
18.	Shoshones, Bannocks, and Sheepeaters, and other Indians of the Lemhi agency in Idaho Territory (as No. 4) . . .	15,000.00
19.	Klamaths and Modocs, and other Indians of the Klamath agency in Oregon (as No. 4)	5,000.00
20.	Kansas Indians—support and civilisation, including agricultural assistance and pay of employees	2,500.00
21.	Kickapoo Indians in the Indian territory (as No. 8) . .	5,000.00
22.	Makahs (as No. 3)	4,000.00
23.	Menomonee Indians (as No. 3)	4,000.00
24.	Modoc Indians residing within the Indian territory (as No. 8) .	4,000.00
25.	For support and civilisation of the Navajo Indians, including pay of employees, $7500; for expenses of constructing ditches and reservoirs, $7500; to be taken from the funds in the Treasury belonging to said Indians	15,000.00
26.	Joseph's band of Nez Perces Indians—purchase of agricultural implements, and support and civilisation	18,000.00
27.	Nez Perces Indians in Idaho (as No. 3)	6,500.00
28.	Qui-nai-elts and Quil-leh-utes (as No. 3)	4,000.00
29.	Shoshone Indians in Wyoming (as No. 8)	15,000.00
30.	Shoshone Indians in Nevada (as No. 3)	10,000.00
31.	Sioux of Lake Traverse (as No. 3)	6,000.00
32.	Sioux of Devil's Lake (as No. 3)	6,000.00
33.	S'Klallam Indians (as No. 3)	4,000.00
34.	Tonkawa Indians (as No. 8)	5,000.00
35.	Walla Walla, Cayuse, and Umatilla tribes (as No. 3) . .	6,500.00
36.	Yakamas and other Indians at said agency (as No. 3) . .	14,000.00
		$1,047,500.00

Incidental Expenses.

In Arkansas	$20,000
In California	26,000
In Colorado	1,500
In Dakota	8,000
In Idaho	1,000
In Montana	4,000
In Nevada	22,500
In New Mexico	5,000
Carry forward . .	$88,000

Brought forward . .	$88,000
Incidental Expenses—*continued.*	
In Oregon	16,000
In Utah	10,000
In Washington Territory	16,000
In Wyoming	1,000
	$131,000

Miscellaneous.

Practical farmers, in addition to agency farmers, at wages not over $75 each per month, to superintend and direct farming among such Indians as are making efforts for self-support . . .	$40,000
Indian police—not over 700 privates at $8 each per month, and not over 70 officers at $10 each per month, employed to maintain order and prohibit illegal traffic in liquor on the several Indian reservations—equipments, rations for policemen of non-ration agencies .	85,000
Prevention of illegal liquor traffic upon or near Indian reservations .	2,000
Pure vaccine matter and vaccination of Indians . . .	1,000
Telegraphing and making purchases of Indian supplies, &c. . .	40,000
Transportation of Indian supplies	250,000
To enable Indians to avail themselves of the benefits of the Homestead Act	5,000
Survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty . .	25,000
To be expended by the Commissioner of Indian Affairs under the direction of the Secretary of the Interior.	
To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewas in Minnesota as to change of reservation, &c.; with the various bands or tribes of Indians in northern Montana and at Fort Berthold in Dakota as to reservations, &c.; with the upper and middle bands of Spokane Indians and Pend d'Oreilles Indians in Washington and Idaho territories, as to their removal to the Colville, Jocko, or Cœur d'Alene reservations, with the consent of the Indians on said reservations, and for the cession of their lands to the United States; with the Cœur d'Alene Indians for the cession of their lands outside the limits of the present Cœur d'Alene reservation to the United States—say . . .	15,000
But no agreement made shall take effect until ratified by Congress.	
Indian depredation claims	20,000
All claims whose examination was completed by 1st January 1887 were then to be reported to Congress, with the opinions and conclusions of the Commissioners of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto.	
	$483,000

Support of Schools.

For support of Indian day and industrial schools, and for other educational purposes not specially provided for .	$650,000	
For construction and repair of school buildings . .	55,000	
For purchase of horses, cattle, and sheep, goats and swine for schools	10,000	
		$715,000.00
Carry forward . .		$715,000.00

Brought forward . .		$715,000.00
Support of Schools—*continued.*		
The entire cost of any boarding-school building, including furniture, shall not exceed $10,000.		
The entire cost of any day-school building shall not exceed $600.		
The school year shall be held to include all usual and necessary vacations.		
The Secretary of the Interior shall report annually, on or before the first Monday in December, in what manner and for what purpose the general education fund for the preceding fiscal year has been expended; also the number and kind of schoolhouses erected, and their cost, as well as cost of repairs, names of every teacher employed and compensation allowed, the location of each school, and the average attendance at each school.		
No part of the money appropriated shall be expended in the transportation from, or support of Indian pupils or children off, their reservations respectively, if removed without the free consent of their parents, or those standing in that relation to them by their tribal laws, respectively.		
Chilocco Industrial School, Chilocco, Indian Territory (formerly Arkansas City)—		
For support of pupils, at $175 each per annum .	$30,625	
For purchase of materials, erection of shops, and necessary out-buildings, and for repairing same .	2,000	
For pay of superintendent	1,500	
		34,125.00
Industrial schools in Alaska—		
For support and education of Indian pupils of both sexes . .		20,000.00
Indian industrial school at Carlisle, Pennsylvania—		
For support and transportation of Indian pupils to and from school	$80,000	
To be disbursed upon the basis of an allowance not exceeding $167 each (exclusive of transportation) maintained in, and supported and educated at, said school; but actual cost of transportation and other expenses of such pupils as are sent out of the school among farmers for support and education may be disbursed from said funds.		
For annual allowance to Captain R. H. Pratt, in charge of school	1,000	
		81,000.00
Indian industrial school at Salem, Oregon—		
200 Indian pupils, at $175 per annum each . .	$35,000	
Pay of superintendent	1,500	
Completion of school building, and necessary out-buildings, and repairs and fencing . . .	5,000	
		41,500.00
Industrial school for Indians at Genoa, Nebraska—		
For support of Indian pupils at $175 each per annum	$29,750	
For repair of present building and construction of new buildings	10,000	
		39,750.00
School at Hampton, Virginia—		
For support and education of 120 Indian pupils . . .		20,040.00
Indian school at Lawrence, Kansas—		
For support and education of 350 Indian pupils, at $175 each per annum	$61,250	
For pay of superintendent	2,000	
Carry forward . .	$63,250	$951,415.00

Brought forward . .	$63,250	$951,415.00
Support of Schools: Indian school at Lawrence—*continued.*		
For purchase of materials, erection of shops, cottages, and out-buildings, and necessary repairs . .	4,750	
For the completion of building, and the purchase of additional grounds	58,000	
		126,000.00
Lincoln Institution, Philadelphia, Pennsylvania—		
For support and education of 200 Indian pupils, at a rate not to exceed $167 each per annum		33,400.00
Saint Ignatius Mission-school, on the Jocko reservation, Montana Territory—		
For support of 150 Indian pupils, at $150 each per annum .		22,000.00
For care, support, and education of 300 Indian pupils at industrial, agricultural, mechanical, or other schools, other than those specially provided for in any of the states or territories of the United States, at not over $167 for each		50,100.00
For collecting and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools, and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labour . .		28,000.00
$735 of this sum were to be paid to the Good Shepherd Industrial School of Denver, Colorado, as a reimbursement for expenses incurred by it in transporting 25 Indian girls from Turtle Mountain, Dakota, to said school, there to be educated under a contract with the Commissioners of Indian Affairs.		
		$1,210,915.00

Interest on Trust-Fund Stocks.

For payment of interest on certain abstracted and non-paying state stocks belonging to the various Indian tribes, and held in trust by the Secretary of the Interior, for the year ending June 30, 1886—viz.,		
Cherokee national fund . . .	interest	$26,060
Cherokee school fund . . .	"	2,410
Chickasaw national fund . . .	"	19,820
Choctaw general fund	"	27,000
Delaware general fund . . .	"	8,930
Iowas	"	3,520
Kaskaskias, Peorias, Weas, and Piankeshaws	"	4,801
Kaskaskia, Wea, Peoria, and Piankeshaw school fund	"	1,449
Menomonees	"	950
		$94,940.00

No purchase of supplies, for which appropriations are made, exceeding in the aggregate $500 in value, are made without first giving at least three weeks' notice by advertisement, except in cases of exigency, when, in the discretion of the Secretary of the Interior, who makes official record of the facts constituting the exigency, and reports the same to Congress at its next session, he directs that purchases may be made in open market in amount not exceeding $3000. Funds appropriated for construction

of ditches and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market. Purchases in open market may be made from Indians, under the direction of said Secretary, to an amount not exceeding $3000. The said Secretary, under the direction of the President, may use any surplus in any of the appropriations for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur; but funds appropriated to fulfil treaty obligations shall not be so used. Any such diversions are reported in detail, and the reasons therefor, to Congress, at its session next succeeding such diversion. The Secretary of the Interior, under the direction of the President, may use any sums appropriated for subsistence, and not absolutely necessary for that purpose, for the purchase of stock-cattle for the benefit of the tribe for which the appropriation was made, or for the assistance of such Indians to become farmers, and shall report to Congress thereanent. The several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of the said tribes respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner, and the Secretary of the Interior causes report thereof to be made to Congress.

CIVIL RIGHTS AND CITIZENSHIP.

All persons within the jurisdiction of the United States have the same right in every state and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and are subject to like punishment, pains, penalties, taxes, licences, and exactions of every kind, and to no other. All citizens of the United States have the same right in every state and territory as is enjoyed by white citizens thereof to inhabit, purchase, lease, sell, hold, and convey real and personal property. In the courts of the United States no witness is excluded in an action on account of colour, or in any civil action because he is a party to or interested in the issue tried; but in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party is allowed to testify against the other, or to any transaction with or statement by the testator, intestate, or ward, unless called to testify thereto by the opposite party or by the court. In all other respects the laws of the state in which the court is held are the rules of decision as to the competency of witnesses in the courts of the United States in trials at common law and in equity and admiralty. Such are the rights of all persons born in the United States, and not subject to any foreign Power, excluding Indians not taxed. Citizenship also embraces all children born or to be born out of the limits and jurisdiction of the United States whose fathers were or may be at the time of their birth citizens thereof, but the rights of citizenship do not descend to children whose fathers never resided in the United States. Any woman married to a citizen of the

United States, who might herself be lawfully naturalised, is deemed a citizen. The 1999th and 2000th sections of the United States Revised Statutes (27th July 1868, chap. 249) enact that, whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states owing allegiance to the Governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation is declared inconsistent with the fundamental principles of the Republic. All naturalised citizens of the United States while in foreign countries are entitled to and shall receive from the Government the same protection of persons and property which is accorded to native-born citizens. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign Government, it is the duty of the President forthwith to demand of that Government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall be, as soon as practicable, communicated by the President to Congress. Every person who deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States with intent to avoid any draft into the military or naval service, lawfully ordered, is deemed to have voluntarily relinquished and forfeited his rights of citizenship, and is for ever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

GENERAL LAND OFFICE.

The Commissioner of the General Land Office is an officer in the Department of the Interior. By and with the advice and consent of the Senate, the President appoints a surveyor-general for each of the states and territories requiring one, at salaries of $2000, $2500, or $3000, according to their respective districts. Their offices are located as the President, in view of the public convenience, may from time to time direct, except as specially provided by law. Every surveyor-general, while in the discharge of the duties of his office, resides in his particular district. Before entering on the duties of his office, he executes and delivers to the Secretary of the Interior a bond, with good and sufficient security, for the penal sum of $30,000, conditioned for the faithful disbursement, according

to law, of all public money placed in his hands, and for the faithful performance of the duties of his office. The President is authorised, whenever he may deem it expedient, to require any surveyor-general to give a new bond and additional security, under the direction of the Secretary of the Interior. The commission of every surveyor-general ceases and expires, unless sooner vacated by death, resignation, or removal from office, in four years from date. The Secretary of the Interior takes all the necessary measures for the completion of the surveys in the several surveying districts, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any district are completed, the surveyor-general thereof is required to deliver over to the secretary of state of the respective states including such surveys, or to such other officer as may be authorised to receive them, all the field-notes, maps, records, and other papers appertaining to land-titles within the same; and the office of surveyor-general in every such district thereafter ceases and is discontinued. In all cases where there is such turning over of papers to the state authorities, the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor-general, are vested in and devolve upon the Commissioner of the General Land Office. Under this Commissioner's authority, any deputy-surveyor or other agent of the United States has free access to any of said papers for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind. But these papers are in no case turned over to the authorities of any state until such state has provided by law for the reception and safe-keeping of them as public records, and for the allowance of free access to them by the United States authorities. Every surveyor-general, register, and receiver, is authorised, except where the President sees cause otherwise to determine, to continue in the uninterrupted discharge of his regular official duties after the day of expiration of his commission, and until a new commission is issued to him for the same office, or until a successor enters upon the duties of such office, and the existing official bond continues in operation so long. Every surveyor-general is authorised to engage a sufficient number of skilful surveyors as his deputies, and to swear them in; also to frame regulations for their direction, not inconsistent with law or the instructions of the General Land Office; and to remove them for negligence or misconduct in office. He has to cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points, and perpetuated by such monuments, and such other correction, parallels, and meridians as may be prescribed by law, or by instructions from the General Land Office, in respect to the public lands within his district to which the Indian title is extinguished. He has to cause to be surveyed all private land-claims within his district, after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands. He has to transmit to the register of the respective land offices within his district general and particular plats of all lands surveyed by him for each land district, and to forward copies of such plats to the Commissioner of the General Land Office. He has, so far as compatible with the desk duties of his office, to occasionally inspect the surveying operations while in progress in the field, sufficiently to satis-

fy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged are allowed, but no extra salary. Where it is incompatible with his other duties for a surveyor-general to make such inspection, he is authorised to depute a confidential agent to make such examination, his expenses to be allowed and $5 a-day during the examination in the field; but such examination is not to outlast thirty days, or be longer than actually necessary. Official seals are used by surveyors-general; and copies of or extracts from the plats, field-notes, records, or other papers on file, when authenticated by the seal and signature of the proper surveyor-general, are evidence in all cases in which the original would be evidence. Certified copies of Louisianian plats and records, without the seal, are admitted as evidence in all the courts of the United States and territories.

By and with the advice and consent of the Senate, the President appoints a register of the land office and a receiver of public moneys for each land district established by law, each of whom resides at the place where his land office is directed by law to be kept. Before entering on office, each has to give bond in the penal sum of $10,000, with approved security for the faithful discharge of his trust, and each gets an annual salary of $500, besides certain fees and commissions which may amount to a considerable annual sum; but the amount of compensations of registers and receivers, including salary, fees, and commissions, is in no case to exceed in the aggregate $3000 each per annum—any excess received at a land office having to be paid into the Treasury as other public moneys. Their appointment is for four years, but they are removable at pleasure. The receivers make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. They also make to the Commissioner of the General Land Office like monthly returns, and transmit to him quarterly accounts current of the debits and credits of their several offices with the United States. The register or receiver is authorised, and it is their duty, to administer any oaths required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oaths. If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs such person that the same has already been entered, and refuses to permit him to enter the same, such register is liable therefor, to such person applying, for $5 for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

PUBLIC LANDS.

All lands belonging to the United States to which the Indian title has been or may hereafter be extinguished, are subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law, except (1) lands included in any reservation by any treaty, law, or proclamation of the President for any purpose; (2) lands included within the limits of any incorporated town, or selected as the

site of a city or town; (3) lands actually settled and occupied for purposes of trade and business, and not for agriculture; (4) lands on which are situated any known salines or mines. Every person being the head of a family, or widow, or single person over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalisation laws, who has made a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected a dwelling thereon, is authorised to enter with the register of the land office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding 160, or a quarter section of land, to include the residence of each claimant, upon paying to the United States the minimum price of such land. The following classes of persons, unless otherwise specially provided for by laws, have no right of pre-emption: (1) No person who is the proprietor of 320 acres of land in any state or territory; (2) No person who quits or abandons his residence on his own land to reside on the public lands in the same state or territory. No person is entitled to more than one pre-emptive right; nor where a party has filed his declaration of intention to claim the benefits of such provisions for one tract of land shall he file at any future time a second declaration for another tract. Before any person is allowed to enter lands, he has to make oath before the receiver or register of the land-district in which the land is situated that he has never had the benefit of any right of pre-emption; that he is not the owner of 320 acres of land in any state or territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract in any way or manner with any person whatsoever by which the title which he might acquire should inure in whole or in part to the benefit of any person except himself. Should he swear falsely, he forfeits what money he may have paid for such land, and all right and title to the same; and any grants and conveyances he may have made, except in the hands of *bonâ fide* purchasers for a valuable consideration, are null and void, except as provided by law. He is also guilty of perjury, and punishable accordingly. The would-be pre-emptor has to comply with certain provisions of the law, varying according to circumstances.

Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalisation laws, is entitled to enter one quarter section or a less quantity of unappropriated public lands upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at $1.25 per acre, or 80 acres or less of such unappropriated lands at $2.50 per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on such land may enter other land lying contiguous to his land which does not, with the land so already owned and occupied, exceed in the aggregate 160 acres. The person applying for such benefit, upon application to the register of the land-office in which he is about to make such entry, makes affidavit

before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for the purpose of actual settlement and cultivation, and not directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of $5 when the entry is of not more than 80 acres, and on payment of $10 when the entry is for more than 80 acres, he is thereupon permitted to enter the amount of land specified. No certificate, however, is given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee; or, in case of a widow making such entry, her heirs or devisee, in case of her death, prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and make affidavit that no part of such land has been alienated, except as provided by law; and that he, she, or they will bear true allegiance to the Government of the United States;—then in such case he, she, or they, if at that time citizens of the United States, are entitled to a patent as in other cases provided by law. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee inure to the benefit of such child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the state in which such children for the time being have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser acquires the absolute title by the purchase, and is entitled to a patent from the United States on the payment of the office fees and sum of money above specified. No lands so acquired become in any event liable to the satisfaction of any debt contracted prior to the issuing of the patent. If at any time after the filing of the affidavit, and before the expiration of the five years, it is proved, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit has actually changed his residence or abandoned the land for more than six months at any time, then and in that event the land so entered reverts to the Government. No person is permitted to acquire thus title to more than one quarter section; and these homestead provisions are not construed to impair or interfere in any manner with existing pre-emption rights. All mineral lands are excepted from the homestead law.

By the laws of June 14, 1878, any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing, in pursuance of law, to that for a homestead entry upon the same tract of land, is entitled, subject to all the provisions of law relating to homesteads, to have the time required to perfect his title under the homestead law computed from the date of his original settlement under the pre-emption laws. And by the laws of May 14, 1880, any settler who has settled, or may settle, on any of the United States public lands, whether surveyed or unsurveyed, with the intention of claim-

ing the same under the homestead laws, is allowed the same time to file his homestead application, and perfect his original entry in the United States land office, as is allowed to settlers under the pre-emption laws to put their claims on record, and his right dates back to the date of settlement, as if he settled under the pre-emption laws.

Every person having a homestead on the public domain who, at the end of the third year of his residence, has had under cultivation for two years 1 acre of timber, the trees thereon not being more than 12 feet apart each way, and in a good thriving condition, for each and every 16 acres of such homestead, upon due proof of the fact by two credible witnesses, receives his patent for such homestead.

Any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalisation laws of the United States, who plants, protects, and keeps in a healthy growing condition for eight years 10 acres of timber on any quarter section of any of the public lands of the United States, or 5 acres on any legal subdivision of 80 acres, or $2\frac{1}{2}$ acres on any legal subdivision of 40 acres or less, is entitled to a patent for the whole of said quarter section, or of such legal subdivision of 80 or 40 acres, or fractional subdivision of less than 40 acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses, and a full compliance of the further conditions as prescribed by law; but not more than one quarter of any section is thus granted, and no person can make more than one entry under the provisions of the law.

The party applying for these benefits, under "An Act to amend an Act entitled 'An Act to encourage the growth of timber on the western prairies'" (laws of June 14, 1878), makes affidavit, before the register or the receiver or the clerk of some court of record or officer authorised to administer oaths in the district where the land is situated, in a prescribed form in which, *inter alia*, he swears that the section of land specified in his application is composed exclusively of prairie lands or other lands devoid of timber; that this filing and entry is made for the cultivation of timber, and for his own exclusive use and benefit; that he has made the said application in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person; that he intends to hold and cultivate the land, and to fully comply with the provisions of this said Act, &c. Upon filing this affidavit with said register and said receiver, and on payment of $10, if the tract applied for exceeds 80 acres, and $5, if it is 80 acres or less, he or she is thereupon permitted to enter the quantity of land specified. The party making an entry of a quarter section is required to break or plough 5 acres covered thereby the first year, 5 acres the second year, and to cultivate to crop or otherwise the 5 acres broken or ploughed the first year; the third year he or she cultivates to crop or otherwise the 5 acres broken the second year, and to plant in timber, seeds, or cuttings, the 5 acres first broken or ploughed, and to cultivate and put in crop or otherwise the remaining 5 acres; and the fourth year to plant in timber, seed, or cuttings the remaining 5 acres. All entries of less quantity than one quarter section shall be ploughed, planted, cultivated, and planted to trees, tree-seeds, or cuttings in the

same manner and in the same proportion as provided for a quarter section. When the trees, seeds, or cuttings are destroyed by grasshoppers, or by extreme and unusual drought, for any year or term of years, the time for planting them is extended one year for every such year that they are so destroyed; but the person making the entry, before being entitled to such extension of time, has to file with the register and the receiver of the proper land office an affidavit, corroborated by two witnesses, setting forth the destruction of such trees, and that in consequence thereof he or she is compelled to ask an extension of time. No final certificate is given, or patent issued, for the land so entered until the expiration of eight years from the date of such entry. If, at the expiration of such time, or at any time within five years thereafter, the person making such entry, or, if he or she be dead, his or her heirs or legal representatives, prove by two credible witnesses that he or she or they have planted, and for not less than eight years have cultivated and protected, such quantity and character of trees as aforesaid; that not less than 2700 trees were planted on each acre, and that at the time of making such proof there are then growing at least 675 living and thriving trees to each acre,—they receive a patent for such tract of land. If at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant fails to comply with any of the requirements of the Act, then and in that event such land is subject to entry under the homestead laws, or by some other person under the provisions of said Act, provided that the party making claim to said land, either as a homestead or under said Act, gives at the time of filing his application such notice to the original claimant as is prescribed by the rules established by the Commissioner of the General Land Office; and the rights of the parties are determined as in other contested cases. No land acquired under the provisions of this Act becomes in any event liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor. The Commissioner of the General Land Office is by the Act required to prepare and issue such rules and regulations, consistent with the Act, as are necessary and proper to carry its provisions into effect. Registers and receivers of the several land offices are each entitled to receive $2 at the time of entry, and the like sum when the claim is finally established and the final certificate issued.

The President of the United States, in his annual message to Congress in 1886, stated, in relation to the laws as to the public lands, that "In later years these laws, through vicious administrative methods and under changed conditions of communication and transportation, have been so evaded and violated that their beneficent purpose is threatened with entire defeat. The methods of such evasions and violations are set forth in detail in the reports of the Secretary of the Interior and Commissioner of the General Land Office. The rapid appropriation of our public lands without *bonâ fide* settlements or cultivation, and not only without intention of residence, but for the purpose of their aggregation in large holdings, in many cases in the hands of foreigners, invites the serious and immediate attention of Congress. I recommend the repeal of the Preemption and Timber-culture Acts, and that the homestead laws be so amended as to better secure compliance with their requirements of residence, improvement, and cultivation for the period of five years from

date of entry, without commutation or provision for speculative relinquishment. I also recommend the repeal of the desert-land laws, unless it shall be the pleasure of the Congress to so amend these laws as to render them less liable to abuses. As a chief motive for an evasion of the laws, and the principal cause of their result in land accumulation instead of land distribution, is the facility with which transfers are made of the right intended to be secured to settlers, it may be deemed advisable to provide by legislation some guards and checks upon the alienation of homestead rights and lands covered thereby until patents issue."

Chap. 149 of the laws of 1885 declared that all inclosures of any public lands in any state or territory of the United States, made by any person, party, association, or corporation having to any of such enclosed land no claim or colour of title made or acquired in good faith, or an asserted right thereto by or under claim made in good faith, with a view to entry thereof at the proper land office under the general laws of the United States at the time such inclosure was or should be made, "are unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States, in any state or any of the territories of the United States, without claim, colour of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited;" and it was by sec. 3 enacted, "that no person, by force, threats, intimidation, or by any fencing or inclosing or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land, subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands; provided this section shall not be held to affect the right or title of persons who have gone upon, improved, or occupied said lands, under the land laws of the United States, claiming title thereto in good faith." The President was authorised to take the necessary measures to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose. Sec. 6 enacted that where the alleged unlawful inclosure includes less than 160 acres of land, no suit shall be brought under the provisions of this Act without authority from the Secretary of the Interior.

In all cases lands valuable for minerals are reserved from sale, except as otherwise expressly directed by law. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States, and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts of the United States. A mining claim, whether located by one or more persons, may equal, but shall not exceed, 1500 feet in length along the vein or lode within the limits of the claim located. No claim shall extend more than 300 feet on each side of the middle of the vein at the surface, nor shall any

claim be limited by any mining regulation to less than 25 feet on each side of the middle of the vein at the surface. The end lines of each claim shall be parallel to each other. The locators of all mining locations on any mineral vein, lode, or ledge situated on the public domain, their heirs and assigns, so long as they comply with the laws of the United States, and with state, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges, throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges is confined to such portions thereof as lie between vertical planes drawn downward, as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. This does not authorise the locator or possessor of a vein or ledge, which extends in its downward course beyond the vertical lines of his claim, to enter upon the surface of a claim owned or possessed by another. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel have the right of possession of all veins or lodes within 3000 feet from the face of such tunnel on the line thereof not previously known to exist discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, are invalid; but failure to prosecute the work on the tunnel for six months is considered as an abandonment of the right to all undiscovered veins on the line of such tunnel. The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the state or territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim subject to certain requirements, one of them being that on each claim located, and until a patent has been issued therefor, not less than $100 worth of labour shall be performed, or improvements made during each year, which shall commence on the 1st day of January. The patents for any land claimed and located are issued to any person, association, or corporation authorised to locate a claim in the manner prescribed by law.

Claims, usually called "placers," including all forms of deposits, excepting veins of quartz or other rock in place, are subject to entry and patent under like circumstances and conditions, and upon similar proceedings as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry, in its exterior limits, conforms to the legal subdivisions of the public lands. Legal subdivisions of 40 acres may be subdivided into 10-acre tracts, and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than 10 acres each, may make joint entry thereof; but no location of a placer claim

exceeds 160 acres for any one person or association of persons, and it conforms to the United States surveys. This enactment does not defeat or impair any *bonâ fide* pre-emption or homestead claim upon agricultural lands, or authorise the sale of the improvements of any *bonâ fide* settler to any purchaser. Where placer claims are upon surveyed lands and conform to legal subdivisions, no further survey or plat is required, and all placer mining claims conform, as near as practicable, with the United States system of land surveys, and the rectangular subdivisions of such surveys, and no such location includes more than 20 acres for each individual claimant; but where placer claims cannot be conformed to legal subdivisions, survey and plat are made as on unsurveyed lands; and where, by the segregation of mineral lands in any legal subdivision, a quantity of agricultural land less than 40 acres remains, such fractional portion of agricultural land may be entered by any party qualified by law for homestead or pre-emption purposes.

Every person above the age of twenty-one years who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, upon application to the register of the proper land office, has the right to enter by legal subdivisions any quantity of vacant coal-lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding 160 acres to such individual person, or 320 acres to such association, upon payment to the receiver of not less than $10 per acre for such lands, where the same are situated more than 15 miles from any completed railroad, and not less than $20 per acre for such lands as are within 15 miles of such road. An association of not less than four persons, severally qualified as stated, which has opened and improved and expended not less than $5000 in working and improving any mine or mines upon the public lands, and is in actual possession of the same, may enter not exceeding 640 acres, including such mining improvements.

The public lands are divided by north and south lines, run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land previously surveyed or patented, or the course of navigable rivers, render this impracticable; and in that case, this rule is departed from no further than such particular circumstances require. The corners of townships are marked with progressive numbers from the beginning; each of the distances of a mile between such corners is also distinctly marked with marks different from those of the corners. The township is subdivided into sections, containing as nearly as may be 640 acres each, by running through the same, each way, parallel lines at the end of every two miles; and by making a corner on each of such lines at the end of every mile. The sections are numbered respectively, beginning with number one in the north-east section, and proceeding west and east alternately through the township with progressive numbers till the thirty-six are completed. On a tree near each corner established in the manner described, and within the section, is marked the number of such section, and over it the number of the township within which the section is. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed or do not extend six miles, the excess or deficiency is added to or deducted from

the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south. The sections and half-sections bounded on the northern and western lines of such townships are sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity. All lines are plainly marked on trees, and measured with chains of standard length. Every surveyor notes in his field-book the true situations of all mines, salt-licks, salt-springs, and mill-seats which come to his knowledge; all water-courses over which the line he runs may pass; and also the quality of the land. These field-books are returned to the surveyor-general, who causes therefrom a description of the whole land surveyed to be made out and transmitted to the officers who superintend the sales. He also causes a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat is recorded in books kept for that purpose; and a copy thereof is kept open at the surveyor-general's office for public information, and other copies are sent to the places of the sale and to the General Land Office. The boundaries and contents of the several sections, half-sections, and quarter-sections are ascertained thus: (1) All the corners marked in the surveys are established as the proper corners of sections or subdivisions of sections which they are intended to designate; and the corners of half and quarter sections not marked on the surveys are placed as nearly as possible equidistant from two corners which stand on the same line. (2) The boundary-lines actually run and marked on the surveys are established as the proper boundary-lines of the sections or subdivisions for which they were intended, and the lengths of such lines, as returned, are held and considered as the true lines thereof. And the boundary-lines not actually run and marked are ascertained by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary-lines are ascertained by running from the established corners due north and south, or east and west lines, as the case may be, to the water-course, Indian boundary-line, or other external boundary of such fractional township. (3) Each section or subdivision of section, the contents whereof have been returned by the surveyor-general, are held and considered as containing the exact quantity expressed in such return; and the half-sections and quarter-sections, the contents whereof have not been thus returned, are held and considered as containing the one-half or the one-fourth part respectively of the returned contents of the section of which they may make part. In every case of the division of a quarter-section, the lines for the division thereof run north and south, or east and west respectively. Fractional sections, containing fewer or more than 160 acres, are in like manner, as nearly as may be practicable, subdivided into quarter-sections, under such rules and regulations as are prescribed by the Secretary of the Interior. The settlers in any township, not mineral or reserved by Government, can have a survey made of the same under the authority of the surveyor-general, by filing an application therefor in writing, depositing in a proper United States depository to the credit of the United States a sum

sufficient to pay for such survey, and otherwise complying with special requirements. This deposit goes in part payment for their lands situated in the township, the surveying of which is paid for out of such deposits. There is no further geological survey by the Government, unless authorised by law. The public surveys extend over all mineral lands; and all subdividing of surveyed lands into lots less than 160 acres may be done by county and local surveyors at the expense of claimants; but this does not require the survey of waste or useless lands. Whenever the President deems a departure from the ordinary method of surveying lands, or any river, lake, bayou, or water-course, would promote the public interest, he may direct the Surveyor-General of the district to cause the lands thus situated to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of 40 acres; which tracts are offered for sale entire, instead of in half-quarter-sections, and in the usual manner, and on the same terms in all respects, as the other public lands of the United States. In Nevada, the Secretary of the Interior may vary the lines of the subdivisions from a rectangular form to suit the circumstances of the country. In Oregon and California the geodetic method may be used in accordance with the terms prescribed by the Commissioner of the General Land Office; but none other than township lines are so run when the land is unfit for cultivation. In California, the Secretary of the Interior may authorise a departure from the rectangular mode of surveying and subdividing the public lands.

All the public lands, when offered at public sale to the highest bidder, are offered in half-quarter-sections. At private sale they may be purchased, at the option of the purchaser, in entire sections, half-sections, quarter-sections, half-quarter-sections, or quarter-quarter-sections. Every person making application at any of the land offices of the United States for the purchase at private sale of a tract of land has to produce to the register a memorandum in writing describing the tract, which he enters by the proper number of the section, half-section, quarter-section, half-quarter-section, or quarter-quarter-section, as the case may be, and of the township and range, subscribing his name thereto, which memorandum the register files and preserves in his office. Credit is not allowed for the purchase-money. Every purchaser of land sold at public sale has, on the day of purchase, to make complete payment therefor, and the purchaser at private sale has to produce to the register of the land office a receipt from the Treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase-money on any tract before he enters the same at the land office. Should a purchaser at public sale fail to make payment on the day of purchase, the tract is offered again at public sale on the next day of sale, and the defaulting bidder cannot become the purchaser of that or any other tract offered at such public sales. Public lands are offered at $1.25 per acre, and no land is sold publicly or privately for less; but the price to be paid for alternate reserved lands along the line of railroads within the limits granted by any Act of Congress is $2.50 per acre. Public lands exposed to public sale are advertised for not less than three nor more than six months prior to the day of sale, unless otherwise specially provided. The public sales are respectively kept open for two weeks and no longer, unless other-

wise specially provided by law. Several certificates may be issued to two or more purchasers of the same section who wish it divided. When two or more persons apply privately for the same tract at the same time, the register offers the tract to the highest bidder. In no case can more than three sections of public lands be entered at private entry in any one township by scrip issued to any state under the Act, approved July 2, 1862, for the establishment of an agricultural college therein.

There is granted for purposes of internal improvement to each new state admitted into the Union, upon such admission, as much public land as, including the quantity granted before admission and while under a territorial government, makes 500,000 acres. The selections of this land are made within the limits of each state so admitted into the Union, in such manner as the legislature thereof respectively may direct, located in parcels conformably to sectional divisions and subdivisions of not less than 320 acres in any one location, on any public land not reserved from sale by law of Congress or by proclamation of the President.

The President is authorised to reserve from the public lands, whether surveyed or unsurveyed, town sites on the shores of harbours, at the junction of rivers, important portages, or any natural or prospective centres of population. It is the duty of the Secretary of the Interior, when the President desires it, to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterward to be held subject to sale at private entry according to regulations. But no lot is disposed of at public sale or private entry for less than the appraised value thereof. All such sales are conducted by the register and receiver of the land office in the district in which the reservations are situated, in accordance with the instructions of the Commissioner of the General Land Office. In case any parties having already founded, or desiring to found, a city or town on the public lands, the President may, certain formalities and requirements having been satisfied by said parties, cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of $10 for each lot; and such lots as may not be disposed of at public sale are thereafter liable to private entry at such minimum, or at such reasonable increase or diminution thereafter, as the Secretary of the Interior may order from time to time after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, and upon any additional lot in which he has substantial improvements, is entitled to prove up and purchase the same as a pre-emption at such minimum, at any time before the day fixed for the public sale. Whenever any portion of the public lands has been settled upon and occupied as a town site, not subject to entry under the agricultural pre-emption laws, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land office and at the minimum price the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests. The ensuing sale is conducted under such regulations as are prescribed by the legis-

lative authority of the state or territory. If upon surveyed lands, the entry is in its exterior limit made in conformity to the legal subdivisions of the public lands authorised by law, and where the inhabitants are in number 100 and less than 200, embraces not exceeding 320 acres; where 200 and less than 1000, not exceeding 640 acres; and where 1000 and over, not exceeding 1280; but for each additional 1000 inhabitants, not exceeding 5000 in all, a further grant of 320 acres is allowed.

The Secretary of the Navy is authorised, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof where the principal growth is of either of such timbers as is in his judgment necessary to furnish for the Navy a sufficient supply of the same. The President appoints surveyors of public lands to perform the duties, and report to him the tracts by them selected, with the boundaries ascertained and actually designated by actual survey or water-courses; and the tracts of land thus selected, with the approbation of the President, are reserved, unless otherwise directed by law, from any future sale of the public lands, and are appropriated to the sole purpose of supplying timber for the Navy of the United States; but this is not construed to prejudice the prior rights of any person claiming such reserved lands. It is the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or if from public ones, by consent of the Navy Department. And it is also the duty of all officers of customs to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on or injuries to the live-oak on the public lands. Informers get one-half of all penalties and forfeitures recovered.

The tract of land in the Territories of Montana and Wyoming lying near the headquarters of the Yellowstone river, and described as follows—to wit, commencing at the junction of Gardiner's river with the Yellowstone river, and running east to the meridian passing 10 miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing 10 miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing 15 miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's rivers; thence east to the place of beginning, —is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people; and all persons who locate or settle upon or occupy any part of the lands thus set apart as a public park, except as after stated, are considered trespassers, and removed therefrom. The park is under the exclusive control of the Secretary of the Interior, whose duty it is to make and publish necessary and proper regulations for its care and management. These regulations provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases

for building purposes, for terms not exceeding ten years, of small parcels of ground at such places in the park as may require the erection of buildings for the accommodation of visitors. All other proceeds of such leases, and all other revenues derived from any source connected with the park, are expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He provides against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purpose of merchandise or profit. He also causes all persons trespassing upon the same to be removed therefrom, and generally takes all such measures as are necessary or proper to fully carry out the objects and purposes of the law.

All navigable rivers within the territory occupied by the public lands remain and are deemed public highways; and in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof become common to both. The right of way for the construction of highways over public lands not reserved for public uses is granted.

To enable the several states (but not including Kansas, Nebraska, and Nevada) to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of the swamp and overflowed lands made unfit thereby for cultivation, and remaining unsold on or after the 28th day of September 1850, was granted and belonged to the several states respectively in which said lands were situated; but said grant as to the States of California, Minnesota, and Oregon, was subject to certain limitations, restrictions, and conditions. Patents were issued conveying to said states the fee-simple. The proceeds of said land, whether from sale or by direct appropriation in kind, are applied exclusively, so far as necessary, to the reclaiming said lands by means of levees and drains.

DISTRICT OF COLUMBIA.

By secs. 1795 and 1796 of the United States Revised Statutes, which referred to the Act of Congress of 16th July 1790, "all that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of Government of the United States," and "all offices attached to the seat of Government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law;" and by the Act of 11th June 1878, which does not transfer from the United States authorities any of the public works within the District of Columbia then in the control or supervision of said authorities, "all the territory which was ceded by the State of Maryland to the Congress of the United States, for the permanent seat of the Government of the United States, shall continue to be designated as the District of Columbia," and "shall remain and continue a municipal corporation;" and "the commissioners herein provided for shall be deemed and taken as officers of such corporation."

The President of the United States, by and with the advice and consent of the Senate, appoints two persons who, with an officer of the corps of engineers of the United States Army, whose lineal rank is above that of captain, are the commissioners of the

District of Columbia. The commissioner detailed from time to time from the corps of engineers to perform the duties of commissioner is not required to perform any other, and does not receive any other compensation than his regular pay and allowances as an officer of the Army. The two other commissioners are appointed from civil life, and must be citizens of the United States, and have been actual residents of the District of Columbia for three years next before their appointment, and during that time have claimed residence nowhere else. One of the three is chosen president of the board of commissioners annually, and whenever a vacancy occurs. Each, before entering upon the discharge of his duties, takes an oath or affirmation to support the Constitution of the United States, and to faithfully discharge his official duties. The two civilian commissioners each receive a salary of $5000 per annum, and have each to give bond in the sum of $50,000, with surety as required by law. The official term of the civilian commissioners respectively is three years, and until their successors are appointed and qualified. The commissioners have ample powers; but, in the exercise of their duties, powers, and authority, make no contract nor incur any obligation other than such contracts and obligations as are provided for by law and are approved by Congress.

The commissioners submit to the Secretary of the Treasury for the fiscal year annually, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof.

Also the cost of constructing, repairing, and maintaining all bridges authorised by law across the Potomac river within the District of Columbia, and also all other streams in the district.

The cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the district, and supported wholly or in part by the United States or district.

And also the expenses of the Washington Aqueduct and its appurtenances.

And also an itemised statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

The Secretary of the Treasury carefully considers all estimates submitted to him, and approves, disapproves, or suggests such changes in the same, or any item thereof, as he thinks the public interest demands; and after he has considered and passed upon such estimates submitted to him, he causes to be made a statement of the amount approved by him, and the fund or purpose to which each item belongs; and it is certified by him and delivered, together with the estimates as originally submitted, to the commissioners of the District of Columbia, who transmit the same to Congress. To the extent to which Congress approves of said estimates, Congress appropriates the amount of 50 per cent thereof; and the remaining 50 per cent is levied and assessed upon the taxable property and privileges in the District of Columbia, other than the property of the United States and of the district. The rate of taxation in any one year is not to exceed $1.50 on every $100 of real estate not exempted by law; and on personal property not taxable elsewhere, $1.50 on every $100, according to the cash valuation thereof. Upon real property held and used exclusively for agricultural purposes, without the limits of the cities

of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year is not to exceed $1 on every $100.

All taxes collected are paid into the Treasury of the United States, and are, as well as the appropriations made by Congress, disbursed for the expenses of the district on itemised vouchers, which have been audited and approved by the auditor of the District of Columbia, certified by the commissioners, or a majority of them. The accounts of the commissioners and the tax-collectors and all other officers required to account, are settled and adjusted by the accounting officers of the Treasury Department of the United States. The Secretary of the Treasury pays the interest on the 365 bonds of the District of Columbia, issued in pursuance of the Act of Congress approved June 20, 1874, when the same becomes due and payable, and all amounts so paid are credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia. There is to be no increase of the amount of the total indebtedness of the district as at the date of said Act of 1878. The offices of sinking fund commissioners were abolished, and the Treasurer of the United States now performs the duties of these commissioners, in accordance with the provisions of law.

It is the duty of the Commissioners of the District of Columbia to annually report their official doings in detail to Congress, on or before the first Monday of December.

The supreme court of the District of Columbia consists of a chief-justice (salary, $4500) and five associate judges (salary, $4000 each), and there is a district attorney. Two of the justices, sitting at general term, constitute a quorum for the transaction of business; and when the two are divided in opinion, the same is noted upon the minutes of the court, and thereupon and within four days thereafter either party in such cause may file with the clerk of the court a motion in writing to have such cause argued before three or more justices. No justice sits in general term to hear an appeal from any judgment or decree or order which he has rendered at the special term. The general term may order two terms of the circuit court to be held at the same time, whenever in their judgment the business therein requires it. The final judgment or decree of the supreme court in any case where the matter in dispute, exclusive of costs, exceeds the value of $2500, may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal, in the same manner, and under the same regulations, as are provided in cases of writs of error on judgments, or appeals from decrees, rendered in a circuit court. Any justice of the supreme court holding a term of the circuit court for the District of Columbia, may hold sittings for the trial of such criminal cases depending in the criminal court as the justice presiding therein may assign for that purpose, and may employ the petit juries drawn for such circuit court; and such sittings may be held during the regular sessions of the criminal court or in the recess thereof during the term of such circuit court, and the business done at such sittings is recorded in the minutes of the criminal court.

TERRITORIES.

A territory is a portion of the territory of the United States described by certain boundaries and erected into a temporary government, by the name of the Territory of So-and-so — *e.g.*, "Dakota Territory." Congress alone can create territories, which are embryo states, and each territory, when the number of inhabitants is sufficiently great, applies to Congress for admission into the Union as a state. Congress can divide a territory, and admit part of it as a state into the Union, or, as in the case of West Virginia, take part of an already created state and make that part of itself, or in connection with a territory, or part of a territory, or part of another state, an independent state. It will be, later on, shown how a new state is created. There are in the laws of the United States general provisions applicable to all territories, and other provisions specially applicable to particular territories. The rights of person or property pertaining to Indians in any territory are not impaired so long as such rights remain unextinguished by treaty between the United States and such Indians; and any territory which by treaty with any Indian tribe is not embraced within the territorial limits or jurisdiction of any state or territory is excepted out of the boundaries, and constitutes no part of a territory, until such tribe signifies its consent to the President to be embraced within a particular territory. The authority of the United States to make any regulations respecting the Indians of any territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed in any such territory, is not affected by these general provisions.

The executive power of each territory is vested in a governor, who holds office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. This governor resides in the territory, and is commander-in-chief of its militia. He can grant pardons and reprieves, and remit fines and forfeitures for offences against the laws of his territory, and respites for offences against the laws of the United States, till the decision of the President can be made known thereon. He commissions all officers who are appointed under the laws of his territory, and takes care that the laws thereof are faithfully executed. Every bill which has passed the legislative assembly of any territory before it becomes a law is presented to him for approval and signature, or he can return it with his objections to the house in which it originated. A two-thirds majority in both houses can pass the bill over the governor's objections, and thereupon it becomes a law. The votes are in all such cases determined by yeas and nays; and the names of the persons voting for or against the bill are entered on the journal of each house. This two-thirds clause does not apply to the Territories of Utah and Arizona. A resident secretary is appointed for each territory for four years, &c., as in the case of the governor; and in case of the death, removal, resignation, or absence from the territory of the governor, he acts temporarily as governor.

The legislative power in each territory is vested in the governor and a legislative assembly consisting of a council and house of representatives. The members of each

branch must have the qualifications of voters, and must reside in the district or county for which they are respectively elected. They are chosen for two years. The council of each territory, unless specially provided otherwise, must not exceed twelve members, nor the number of members of the house of representatives twenty-four, whose compensation is $4 each per diem during the session, and such mileage as the law provides. The president of the council and the speaker of the house receive $6 each per diem. The sessions of the legislatures of territories are limited to sixty days, and no extraordinary session is called until the reasons for the same have been presented to the President of the United States, and his approval thereof has been duly given. The sessions of the legislative assembly are biennial, and are limited to sixty days' duration. Before the first election a census is ordered by the governor, who thereafter apportions the members of council and representatives to counties or districts, as nearly equal as practicable in the ratio of its population, except Indians not taxed; and this apportionment may afterwards be from time to time readjusted. After the first election, the time, place, and manner of holding elections by the people are as prescribed by the laws of each territory. All laws passed by the legislative assembly and governor of any territory, except certain excepted territories, are submitted to Congress, and, if disapproved, are null and of no effect. The legislative power of every territory extends to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States; but no law can be passed interfering with the primary disposal of the soil, no tax be imposed upon the property of the United States, nor the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Justices of the peace, and all general officers of the militia in the several territories, are elected by the people in such manner as the respective legislatures provide by law. All township, district, and county officers, except justices of the peace and general officers of militia, are appointed or elected in such manner as may be provided by the governor and legislative assembly of each territory. The governor nominates all other officers, and, by and with the advice and consent of the legislative council of each territory, appoints them. The governor alone appoints all these officers for the first term of a newly created territory. At the first election in a territory every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any territory, and who are actually residents of such territory at the time of the organisation thereof, are entitled to vote, and to hold office therein. But at all subsequent elections the qualifications of voters and of holding office are such as may be prescribed by the legislative assembly of each territory, subject nevertheless to the following restrictions on the power of the legislative assembly —namely, (1) The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath before a competent court of record their intention to become such, and have taken an oath to support the Constitution and Government of the United States; (2) There shall be no denial of the elective franchise or of holding office to a citizen on account of race, colour, or previous condition of servitude; (3) No officer,

soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any territory by reason of being on service therein, unless such territory is and has been for the period of six months his permanent domicile; (4) No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any territory.

Every territory has the right to send a delegate to the House of Representatives of the United States to serve during each Congress, who is elected by the voters in the territory qualified to elect members of the legislative assembly thereof, and every such delegate has a seat in the House of Representatives, with the right of debating, but not of voting.

The supreme court of every territory consists of a chief-justice and two or more associate justices, who hold office for four years, and until their successors are appointed and qualified. In Dakota there are a chief-justice and five associate justices —any five of whom constitute a quorum. In Washington there are a chief-justice and three associate justices—any three of whom constitute a quorum. The number of judges and of judicial districts in territories is varied, and can, from time to time, as necessary or expedient, be increased or diminished by Act of Congress. They hold a term annually at the seat of government of the territory for which they are respectively appointed. Every territory is divided into three or more judicial districts, and a district court is held in each district of the territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, resides in the district to which he is assigned. In New Mexico, Utah, Washington, Dakota, Idaho, Montana, and Wyoming, the judicial power is vested in a supreme court, district courts, probate courts, and in justices of the peace; and in Arizona, in a supreme court and such inferior courts as the legislative council may by law prescribe; but this jurisdiction, both appellate and original, is limited by law. No justices of the peace in any territory have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question. The supreme court and the district courts, respectively, of every territory, possess chancery as well as common law jurisdiction. Writs of error, bills of exception, and appeals are allowed in all cases from the final decisions of the district courts to the supreme court of all the territories, respectively, under such regulations as may be prescribed by law; but in no case removed to the supreme court is trial by jury allowed in that court. The supreme court and district courts respectively appoint one clerk of court, and every such district clerk is the register in chancery, and resides and keeps his office at the place where the court is held. Temporarily and until otherwise provided by law, the governor of each territory establishes and defines by proclamation the judicial districts of his territory, and assigns the judges thereto, and fixes the times and places for holding courts in the respective counties or subdivisions of each judicial district. The judges of the supreme court are authorised to hold court within their respective districts for the purpose of hearing and determining all matters and causes, except those in which the United States are a party; but the expense of holding such courts is paid by the territory or by the counties in which the courts are held, and the United States are in no case chargeable therewith. An attorney for the United States is appointed in each

territory, who continues in office four years, &c. A marshal is appointed for each territory, who executes all processes issuing from the territorial courts, when exercising their jurisdiction as circuit and district courts of the United States, and who has the powers and performs the duties, and is subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States; and who holds office for four years, &c.

The governor, secretary, chief-justice, and associate justices, attorney, and marshal, of every territory are nominated, and, by and with the advice and consent of the Senate, appointed by the President. All these officers, and all other civil officers appointed for any territory, have to take in due form the oath to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices.

No legislative assembly of a territory shall, in any instance, or under any pretext, exceed the amount appropriated by Congress for its annual expenses. The amount so appropriated varies according to the requirements of each territory. Thus, in 1885, "Territory of Dakota—For salary of governor, $2600; chief-justice, and five associate judges, at $3000 each; and secretary, at $1800 —$22,400. For legislative expenses —namely, for postage, stationery, and blanks; light, oil, and candles; messenger and porter; labour and care of Government property; clerk in secretary's office; and incidental expenses, $2000. And the legislature of Dakota may divide said territory into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population (except Indians not taxed): Provided that the number of council districts shall not exceed 24, and the number of representative districts shall not exceed 48. For contingent expenses to be expended by the governor, $500." And "Territory of New Mexico—For salary of governor, $2600; chief-justice and two associate judges, at $3000 each; secretary, at $1800; and interpreter and translator in the executive office, at $500 —$13,900. For legislative expenses —namely, for rent, light, fuel; casing for filing records; carpets and furniture; stationery and record-books, postage, incidentals, and pay of messenger and porter, $1500. For contingent expenses of the territory, to be expended by the governor, $500." And in Utah the legislative expenses included — "Per diem of members and officers of the legislative assembly; mileage of members," &c., $22,000; and there was also appropriated "for the salaries of the commissioners appointed under an Act entitled 'An Act to amend Section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882—$25,000."

By the laws of 1886, chap. 818, "An Act to prohibit the passage of local or special laws in the territories of the United States, to limit territorial indebtedness, and for other purposes," it was enacted "That the legislatures of the territories of the United States now or hereafter to be organised shall not pass local or special laws in any of the following enumerated cases—that is to say:

Granting divorces.
Changing the names of persons or places.
Laying out, opening, altering, and working roads or highways.
Vacating roads, town-plats, streets, alleys, and public grounds.
Locating or changing county seats.
Regulating county and township affairs.

Regulating the practice in courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village.

For the punishment of crimes or misdemeanours.

For the assessment and collection of taxes for territorial, county, township, or road purposes.

Summoning and impanelling grand or petit jurors.

Providing for the management of common schools.

Regulating the rate of interest on money.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll-bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowance of public officers, during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the territories of the United States by the territorial legislatures thereof."

It was also enacted, (2) That no territory of the United States, or any political or municipal corporation or subdivision of any such territory, shall make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to, or use it for, the benefit of any such company or association, or borrow any money for the use of any such company or association.

Also, (3) That no law of any territorial legislature shall authorise any debt to be contracted by, or on behalf of, such territory, except in the following cases: to meet a casual deficit in the revenue, to pay the interest upon the territorial debt, to suppress insurrections, or to provide for the public defence,—except that, in addition to any indebtedness created for such purposes, the legislature may authorise a loan for the erection of penal, charitable, or educational institutions for such territory, if the total indebtedness of the territory is not thereby made to exceed 1 per cent upon the assessed value of the taxable property in such territory, as shown by the last general assessment for taxation. But nothing in the Act is to be construed to prohibit the refunding of any existing indebtedness of such territory, or of any political or municipal corporation, county, or other subdivision therein.

Also, (4) No political or municipal corporation, county, or other subdivision in any territory shall ever become indebted in any manner, or for any purpose, to any amount in the aggregate, including existing indebtedness, exceeding 4 per cent on the value of the tax-

able property within such corporation, county, or subdivision, to be ascertained by the last assessment for territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void: that nothing in this Act contained shall be so construed as to affect the validity of any Act of any territorial legislature previously enacted, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law; nor to prevent any territorial legislature from legalising the acts of any county, municipal corporation, or subdivision of any territory as to any bonds previously issued or contracted to be issued.

Nothing in this Act contained shall be construed to abridge the power of Congress to annul any law passed by a territorial legislature, or to modify any existing law of Congress requiring in any case that the laws of any territory shall be submitted to Congress.

The legislative assemblies of the several territories shall not grant private charters or special privileges; but they may, by general incorporation Acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, and for conducting the business of insurance, banks of discount and deposit (but not of issue), loan, trust, and guarantee associations, and for the construction or operation of railroads, waggon-roads, irrigating ditches, and the colonisation and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any territory during the existence of the territorial government, of a greater value than $50,000; and all real estate acquired or held by such corporation or association contrary to this provision is forfeited and escheat to the United States.

The Constitution and all laws of the United States which are not locally inapplicable have the same force and effect within all the organised territories, and in every territory to be organised, as elsewhere within the United States. Penitentiaries erected by the United States in an organised territory are placed under the care and control of the marshal of the United States for the territory or district in which such penitentiary is situated, except as specially provided in certain territories. The needful rules and regulations for such penitentiaries are prescribed by the Attorney-General of the United States, and the marshals having charge shall cause them to be duly and faithfully executed and obeyed. The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States sentenced to imprisonment in such penitentiary, is chargeable on, and payable out of, the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, but the maximun compensation allowed by law to those officers shall not be exceeded. Any person convicted by a court of competent jurisdiction in a territory for the violation of the laws thereof, and sentenced to imprisonment, may at the cost of such territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term

of his imprisonment, in the same manner as if he had been convicted of an offence against the laws of the United States.

TRANSFORMATION OF A TERRITORY INTO A STATE.

As the latest illustration of a territory becoming a state, the case of Colorado is selected, and the following are copies of the Act of Congress of March 3, 1875, chap. 139, and of the President's proclamation of August 1, 1876, viz. :—

An Act to enable the people of Colorado to form a constitution and state government, and for the admission of the said state into the Union on an equal footing with the original states.

SEC.

1. Colorado to form state government for admission into the Union.
2. Boundaries of.
3. Voters of, at election of representatives to convention, &c.
   Apportionment of representatives.
   Election of representatives.
4. Meeting of convention to form constitution.
   Constitution to be republican in form, with no distinction on account of race, colour, &c.
   Religious toleration.
   Disclaimer of unappropriated lands; provisions as to taxes.
5. Constitution to be submitted to popular vote.
   Voting and returns.
6. Representative in Congress.
7. School lands.
8. Lands for public buildings.
9. Penitentiary.
10. State university.
11. Salt-springs.
12. Five per cent of sales of public lands for internal improvements.
13. Unexpended balances of appropriations.
14. School funds.
15. Mineral lands.

BE it enacted, &c.—

SEC. 1. That the inhabitants of the Territory of Colorado included in the boundaries hereinafter designated be, and they are hereby, authorised to form for themselves, out of said territory, a state government with the name of the State of Colorado; which state, when formed, shall be admitted into the Union upon an equal footing with the original states in all respects whatsoever, as hereinafter provided.

SEC. 2. That the said State of Colorado shall consist of all the territory included within the following boundaries—to wit, commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north on said meridian to the forty-first parallel of north latitude; thence along said parallel west to the thirty-second meridian of longitude west from Washington; thence south on said meridian to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel of north latitude to the place of beginning.

SEC. 3. That all persons qualified by law to vote for representatives to the general assembly of said territory at the date of the passage of this Act shall be qualified to be elected, and they are hereby authorised to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said territory, the chief-justice, and the United States attorney thereof, may prescribe; and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe.

And the aforesaid representatives to form the aforesaid convention shall

be apportioned among the several counties in said territory, in proportion to the vote polled in each of said counties at the last general election, as near as may be; and said apportionment shall be made for said territory by the governor, United States district attorney, and chief-justice thereof, or any two of them.

And the governor of said territory shall, by proclamation, order an election of the representatives aforesaid to be held throughout the territory, at such time as shall be fixed by the governor, chief-justice, and United States attorney, or any two of them; which proclamation shall be issued within ninety days next after the 1st day of September 1875, and at least thirty days prior to the time of said election; and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein for members of the House of Representatives; and the number of members to said convention shall be the same as now constitutes both branches of the legislature of the aforesaid territory.

Sec. 4. That the members of the convention thus elected shall meet at the capital of said territory on a day to be fixed by said governor, chief-justice, and United States attorney, not more than sixty days subsequent to the day of election; which time of meeting shall be contained in the aforesaid proclamation mentioned in the third section of this Act; and, after organisation, shall declare, on behalf of the people of said territory, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorised to form a constitution and state government for said territory:

Provided, That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or colour, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence:

And provided further, That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said state, first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship; secondly, that the people inhabiting said territory do agree and declare that they for ever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said state shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

Sec. 5. That in case the constitution and state government shall be formed for the people of said Territory of Colorado, in compliance with the provisions of this Act, said convention forming the same shall provide, by ordinance, for submitting said constitution to the people of said state for their ratification or rejection at an election, to be held at such time in the month of July 1876, and at such places and under such regulations as may be prescribed by said convention, at which election the lawful voters of said new state shall vote directly for or against the proposed constitution;

And the returns of said election shall be made to the acting governor of the territory, who, with the chief-

justice and United States attorney of said territory, or any two of them, shall canvass the same; and if a majority of legal votes shall be cast for said constitution in said proposed state, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of Congress.

SEC. 6. That until the next general census said state shall be entitled to one representative in the House of Representatives of the United States, which representative, together with the governor and state and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution, and to be fixed by said constitutional convention; and until said state officers are elected and qualified under the provisions of the constitutions, the territorial officers shall continue to discharge the duties of their respective offices.

SEC. 7. That sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any Act of Congress, other lands equivalent thereto, in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said state for the support of common schools.

SEC. 8. That, provided the State of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this Act, fifty entire sections of the unappropriated public lands within said state, to be selected and located by direction of the legislature thereof, and, with the approval of the President, on or before the first day of January 1878, shall be, and are hereby, granted in legal subdivisions of not less than one quarter-section to said state for the purpose of erecting public buildings at the capital of said state for legislative and judicial purposes, in such manner as the legislature shall prescribe.

SEC. 9. That fifty other entire sections of land as aforesaid, to be selected and located, and with the approval as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said state for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

SEC. 10. That seventy-two other sections of land shall be set apart and reserved for the use and support of a state university, to be selected and approved in manner as aforesaid, and to be appropriated and applied as the legislature of said state may prescribe for the purpose named and for no other purpose.

SEC. 11. That all salt-springs within said state, not exceeding twelve in number, with six sections of land adjoining, and as contiguous as may be to each, shall be granted to said state for its use, the said land to be selected by the governor of said state within two years after the admission of the state, and when so selected to be used and disposed of on such terms, conditions, and regulations as the legislature shall direct.

Provided, That no salt-spring or lands, the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this Act be granted to said state.

SEC. 12. That 5 per centum of the proceeds of the sales of agricultural public lands lying within said state, which shall be sold by the

United States subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state for the purpose of making such internal improvements within said state as the legislature thereof may direct: Provided, that this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other use.

SEC. 13. That any balance of the appropriations for the legislative expenses of said Territory of Colorado remaining unexpended shall be applied to and used for defraying the expenses of said convention, and for the payment of the members thereof, under the same rules and regulations and rates as are now prescribed by law for the payment of the territorial legislature.

SEC. 14. That the two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale, and at a price not less than $2.50 per acre, the proceeds to constitute a permanent school fund, the interest of which to be expended in the support of common schools.

SEC. 15. That all mineral lands shall be excepted from the operation and grants of this Act. (March 3, 1875.)

PROCLAMATION.

1876, Number 6.

(*Declaring the admission of Colorado as a state in the Union completed.*)

COLORADO.

Preamble.

WHEREAS the Congress of the United States did, by an Act approved on the 3d day of March 1875, authorise the inhabitants of the Territory of Colorado to form for themselves out of said territory a state government, with the name of the State of Colorado, and for the admission of such state into the Union, on an equal footing with the original states, upon certain conditions in said Act specified:

1. Declared a state of the Union.

And whereas it was provided by said Act of Congress that the convention elected by the people of said territory to frame a state constitution should, when assembled for that purpose and after organisation, declare on behalf of the people that they adopt the constitution of the United States, and should also provide by an ordinance, irrevocable without the consent of the United States and the people of said state, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship; and that the people inhabiting said territory do agree and declare that they for ever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without the said state shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein belonging to, or which may hereafter be purchased by, the United States:

And whereas it was further provided by said Act that the constitution thus formed for the people of the Territory of Colorado should, by an ordinance of the convention forming the same, be submitted to the people of said territory for ratifica-

tion or rejection at an election to be held in the month of July 1876, at which election the lawful voters of said new state should vote directly for or against the proposed constitution; and the returns of said election should be made to the acting governor of the territory, who, with the chief-justice and the United States attorney of said territory, or any two of them, should canvass the same; and if a majority of legal votes should be cast for said constitution in said proposed state, the said acting governor should certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it should be the duty of the President of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of Congress:

And whereas it has been certified to me by the acting governor of said Territory of Colorado that within the time prescribed by said Act of Congress a constitution for said proposed state has been adopted, and the same ratified by a majority of the legal voters of said proposed new state in accordance with the conditions prescribed by said Act of Congress:

And whereas a duly authenticated copy of said constitution and of the declaration and ordinance required by said Act has been received by me:

Now therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the Act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that state to admission to the Union have been ratified and accepted, and that the admission of the said state into the Union is now complete.

(*August* 1, 1875.)

PART II.

THE CONSTITUTION OF THE STATE OF NEW YORK,

AS FROM TIME TO TIME AMENDED (THE AMENDMENTS BEING INCORPORATED), IN FORCE AS AT 31ST DECEMBER, 1896.

ARTICLE I.

SEC.
1. No person to be disfranchised.
2. Trial by jury.
3. Religious liberty.
4. Writ of *habeas corpus*.
5. Bail, fines.
6. Grand jury.
7. Private property—private roads.
8. Freedom of speech and of the press.
9. Two-third bills.
10. Right of petition — divorces — lotteries.
11. Right of property in lands—escheats.
12. Feudal tenures abolished.
13. Allodial tenure.
14. Certain leases invalid.
15. Fines and quarter sales abolished.
16. Sale of lands.
17. Old colony laws and acts of the legislature — common law — commissioners to be appointed — their duties.
18. Grants of land since 1775—prior grants.

ARTICLE II.

1. Qualification of voters.
2. Persons excluded from right of suffrage—challenge—laws to be passed excluding from right of suffrage.
3. Certain employments not to affect residence of voters.
4. Laws to be passed.
5. Election to be by ballot.

ARTICLE III.

SEC.
1. Legislative powers.
2. Senate, number of—assembly, number of.
3. State divided into thirty-two senatorial districts—boundaries thereof — board of supervisors of the city of New York to divide the county into four senate districts—certificate, &c., to be filed.
4. Census to be taken in 1855, and every ten years — senate districts, how altered.
5. Members of assembly, number of, and how apportioned and chosen—boards of supervisors in certain counties and board of aldermen in New York city to divide the same into assembly districts — description of assembly districts to be filed — contents of assembly districts—legislature to reapportion members of assembly—each county entitled to one member—Hamilton county—counties and towns may be divided and new ones erected.
6. Pay of members.
7. No member to receive an appointment.
8. Persons disqualified from being members.
9. Time of election fixed.
10. Powers of each house.

SEC.
11. Journals to be kept.
12. No member to be questioned, &c.
13. Bills may originate in either house.
14. Enacting clause of bills.
15. Assent of a majority of all the members required, &c.
16. Restriction as to private and local bills.
17. Existing law not to be made a part of an Act except by inserting it therein.
18. Private and local bills, in what cases they may not be passed—general laws to be passed—street railroads, condition upon which they may be authorised.
19. The legislature not to audit or allow any private claim.
20. Bill imposing a tax, manner of passing.
21. Same subject.
22. Board of supervisors.
23. Local legislative powers conferred on boards of supervisors.
24. No extra compensation to be granted to a public officer, servant, agent, or contractor.
25. Sections seventeen and eighteen not to apply to certain bills.

ARTICLE IV.

1. Executive power, how vested.
2. Requisite qualifications of governor.
3. Time and manner of electing governor and lieutenant-governor.
4. Duties and power of governor—his compensation.
5. Pardoning power vested in the governor.
6. Powers of governor to devolve on lieutenant-governor.
7. Requisite qualifications of lieutenant-governor—to be president of the senate, and to act as governor in certain cases.
8. Compensation of lieutenant-governor.
9. Bills to be presented to the governor for signature—if returned by him with objections, how disposed of—bills to be returned within ten days—after adjournment, bills must be approved in thirty days, else cannot become law—governor may object to items of appropriation in any bill.

ARTICLE V.

SEC.
1. State officers, how elected and terms of office.
2. State engineer and surveyor, how chosen and term of office.
3. Superintendent of public works, powers and duties.
4. Superintendent of prisons, powers and duties of.
5. Commissioners of the land office—commissioners of the canal fund—canal board.
6. Powers and duties of boards, &c.
7. Treasurer may be suspended by governor.
8. Certain offices abolished.

ARTICLE VI.

1. Impeachment—assembly has power of—effect of judgment.
2. Court of appeals—judges how chosen—appointment of clerk.
3. Vacancies in office of judge of court of appeals, how filled.
4. Causes pending in court of appeals to be referred to commissioners of appeals.
5. Commissioners of appeals—vacancies how filled—chief commissioner to be appointed.
6. Supreme court—jurisdiction—justices—judicial districts, number of justices in; may be altered without increasing number.
7. Terms of supreme court.
8. Judge or justice may not sit in review of decisions made by him, &c.
9. Vacancy in office of justice of supreme court, how filled.
10. Judges of court of appeals, or justices of supreme court, to hold no other office.
11. Removals — proceedings in relation to.
12. City courts.
13. Justice of supreme court or judges of city courts, how chosen—term of office—restriction as to age.
14. Compensation of judges or justices—not to be diminished during term of office.
15. County courts.
16. Local judicial officers.
17. Judge of court of appeals, or justice of supreme court, election or appointment of—questions to be submitted to people.
18. Justices of the peace.

SEC.
19. Inferior local courts.
20. Clerks of supreme court and court of appeals.
21. No judicial officer, except justice of the peace, to receive fees.
22. Judgments, &c., may be ordered directly to court of appeals for review.
23. Publication of statutes to be provided for—to be free to all.
24. Judges, first election of—when to enter upon duties.
25. Local judicial officers, term of office of present incumbents.
26. Courts of special sessions.
27. Surrogates' courts.
28. Court of appeals may order causes to be heard by commission of appeals.

ARTICLE VII.

1. Canal debt—sinking fund—June 1, 1846, $1,300,000—June 1, 1859, $1,700,000.
2. General fund debt—sinking fund, $350,000; after certain period, $1,500,000.
3. $200,000 of the surplus canal revenues annually appropriated to general fund, and the remainder to specific public works—certain deficiencies in the revenues not exceeding $2,250,000, annually to be supplied from the revenues of the canals—contractors, no extra compensation to be made to.
4. Loans to incorporated companies not to be released or compromised.
5. Legislature shall, by equitable taxes, increase the revenues of the sinking fund in certain cases.
6. Certain canals of the state not to be leased or sold—expenditures, for collections and repairs, limited—funds from leases or sale, how applied.
7. Salt-springs.
8. Appropriation bills.
9. State credit not to be loaned.
10. Power to contract debts limited.
11. Debts to repel invasion, &c., may be contracted.
12. Limitation of the legislative power in the creation of debts.
13. Sinking funds to be separately kept and safely invested.
14. Claims barred by lapse of time—limitation of existing claims.

ARTICLE VIII.

SEC.
1. Corporations, how created.
2. Debts of corporations.
3. "Corporations" defined.
4. Charters for savings banks and banking purposes.
5. Specie payments.
6. Registry of bills or notes.
7. Individual responsibility of stockholders.
8. Insolvency of banks, preference.
9. Legislature to provide for the incorporation of cities and villages, and to define powers thereof in certain cases.
10. The credit or money of the state not to be given or loaned.
11. Counties, cities, towns, and villages not to give money or property or loan their money or credit—their power to contract debts limited.

ARTICLE IX.

1. Common school, literature, and United States deposit funds.

ARTICLE X.

1. Sheriffs, clerks of counties, register and clerk of New York, coroners and district attorneys—governor may remove.
2. Officers, how chosen or appointed.
3. Duration of office.
4. Time of election.
5. Vacancies in office, how filled.
6. Political year.
7. Removal from office.
8. When office deemed vacant.
9. Compensation of certain officers.

ARTICLE XI.

1. Militia.
2. Manner of choosing or appointing militia officers.
3. Officers to be appointed by governor and senate—commissary-general.
4. Election of militia officers.
5. Officers, how commissioned.
6. Election of militia officers may be abolished.

ARTICLE XII.

1. Oath of office prescribed.

ARTICLE XIII.

1. Amendments.
2. Future conventions, how called.

ARTICLE XIV.

SEC.
1. Election—term of office of senators and members of assembly.
2. First election of governor and lieutenant-governor, when.
3. State officers, and others, to remain in office till December 31, 1847.
4. First election of judicial officers, when.
5. Jurisdiction of pending suits.
6. Chancellor and supreme court—masters in chancery.
7. Vacancy in office of chancellor, or justice of supreme court, how filled.
8. Offices abolished.
9. Chancellor and justices of present supreme court eligible.
10. Officers to hold until expiration of term.
SEC.
11. Judicial officers may receive fees.
12. Local courts to remain, &c.
13. When constitution goes into operation.

ARTICLE XV.

1. Bribery and official corruption.
2. The same subject.
3. Person offering or receiving bribe may be witness.
4. District attorney may be removed for failure to prosecute violations—expenses of prosecution, how chargeable.

ARTICLE XVI.

1. Amendments, when to take effect.

WE, the People of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this constitution.

ARTICLE I.

SEC. 1. *No person to be disfranchised.* — No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizens thereof, unless by the law of the land, or the judgment of his peers.

SEC. 2. *Trial by jury.*—The trial by jury, in all cases in which it has been heretofore used, shall remain inviolate for ever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

SEC. 3. *Religious liberty.*—The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever be allowed in this state to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

SEC. 4. *Writ of* habeas corpus.—The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 5. *Bail, fines.*—Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

SEC. 6. *Grand jury—bill of rights.*—No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service; and the land and naval forces in time of war, or which this state may keep, with the consent of Congress in time of peace; and in cases of petit larceny, under the regulation of the legislature), unless on presentment or indictment of a grand jury; and in any trial in any court whatever the party accused shall be allowed to appear and de-

fend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

SEC. 7. *Private property—private roads.*—When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

SEC. 8. *Freedom of speech and of the press.*—Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 9. *Two-third bills.*—The assent of two-thirds of the members elected to each branch of the legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

SEC. 10. *Right of petition—divorces—lotteries.*—No law shall be passed abridging the right of the people peaceably to assemble and to petition the Government, or any department thereof; nor shall any divorce be granted, otherwise than by due judicial proceedings; nor shall any lottery hereafter be authorised, or any sale of lottery tickets allowed within this state.

SEC. 11. *Right of property in lands—escheats.*—The people of this state, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the state; and all lands the title to which shall fail, from a defect of heirs, shall revert or escheat to the people.

SEC. 12. *Feudal tenures abolished.*—All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however all rents and services certain which at any time heretofore have been lawfully created or reserved.

SEC. 13. *Allodial tenure.*—All lands within this state are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

SEC. 14. *Certain leases invalid.*—No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

SEC. 15. *Fines and quarter sales abolished.*—All fines, quarter sales, or other like restraints upon alienation reserved in any grant of land, hereafter to be made, shall be void.

SEC. 16. *Sale of lands.*—No purchase or contract for the sale of lands in this state made since the

fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made, of or with the Indians, shall be valid, unless made under the authority and with the consent of the legislature.

SEC. 17. *Old colony laws and Acts of the legislature — common law — — commissioners to be appointed — their duties.*—Such parts of the common law, and of the Acts of the legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the state of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered, and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated; and the legislature, at its first session after the adoption of this constitution, shall appoint three commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this state, or so much and such parts thereof as to the said commissioners shall seem practicable and expedient. And the said commissioners shall specify such alterations and amendments therein as they shall deem proper, and they shall at all times make reports of their proceedings to the legislature, when called upon to do so; and the legislature shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners, and shall also provide for the publication of the said code, prior to its being presented to the legislature for adoption.

SEC. 18. *Grants of land since* 1775 *—prior grants.*—All grants of land within the state, made by the King of Great Britain or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this constitution shall affect any grants of lands within this state, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic or corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this state, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the state, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

ARTICLE II.

SEC. 1. *Qualification of voters.*—Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state,

or of the United States, in the Army or Navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

SEC. 2. *Persons excluded from the right of suffrage, &c.* — No person who shall receive, expect, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorised for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

SEC. 3. *Certain employments not to affect residence of voters.* — For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, at public expense; nor while confined in any public prison.

SEC. 4. *Laws to be passed.*—Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 5. *Election to be by ballot.*—All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

ARTICLE III.

SEC. 1. *Legislative powers.* — The legislative power of this state shall be vested in a senate and assembly.

SEC. 2. *Senate, number of—assembly, number of.* — The senate shall consist of thirty-two members, and the senators shall be chosen for two years. The assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

SEC. 3. *State divided into thirty-two senatorial districts—boundaries thereof—board of supervisors of the city of New York to divide the county into four senate districts—certificate, &c., to be filed.*—The state shall be divided into thirty-two districts, to be called senate districts, each of which shall choose one senator. The districts shall be numbered from One to Thirty-two inclusive.

District No. One (1) shall consist

of the counties of Suffolk, Richmond, and Queens.

District No. Two (2) shall consist of the county of Kings.

District No. Three (3), No. Four (4), No. Five (5), and No. Six (6) shall consist of the city and county of New York. And the board of supervisors of said city and county shall, on or before the first day of May, one thousand eight hundred and forty-seven, divide the said city and county into the number of senate districts to which it is entitled, as near as may be of an equal number of inhabitants, excluding aliens and persons of colour not taxed, and consisting of convenient and contiguous territory; and no assembly district shall be divided in the formation of a senate district. The board of supervisors, when they shall have completed such division, shall cause certificates thereof, stating the number and boundaries of each district and the population thereof, to be filed in the office of the secretary of state, and of the clerk of said city and county.

District No. Seven (7) shall consist of the counties of Westchester, Putnam, and Rockland.

District No. Eight (8) shall consist of the counties of Dutchess and Columbia.

District No. Nine (9) shall consist of the counties of Orange and Sullivan.

District No. Ten (10) shall consist of the counties of Ulster and Greene.

District No. Eleven (11) shall consist of the counties of Albany and Schenectady.

District No. Twelve (12) shall consist of the county of Rensselaer.

District No. Thirteen (13) shall consist of the counties of Washington and Saratoga.

District No. Fourteen (14) shall consist of the counties of Warren, Essex, and Clinton.

District No. Fifteen (15) shall consist of the counties of St Lawrence and Franklin.

District No. Sixteen (16) shall consist of the counties of Herkimer, Hamilton, Fulton, and Montgomery.

District No. Seventeen (17) shall consist of the counties of Schoharie and Delaware.

District No. Eighteen (18) shall consist of the counties of Otsego and Chenango.

District No. Nineteen (19) shall consist of the county of Oneida.

District No. Twenty (20) shall consist of the counties of Madison and Oswego.

District No. Twenty-one (21) shall consist of the counties of Jefferson and Lewis.

District No. Twenty-two (22) shall consist of the county of Onondaga.

District No. Twenty-three (23) shall consist of the counties of Cortland, Broome, and Tioga.

District No. Twenty-four (24) shall consist of the counties of Cayuga and Wayne.

District No. Twenty-five (25) shall consist of the counties of Tompkins, Seneca, and Yates.

District No. Twenty-six (26) shall consist of the counties of Steuben and Chemung.

District No. Twenty-seven (27) shall consist of the county of Monroe.

District No. Twenty-eight (28) shall consist of the counties of Orleans, Genesee, and Niagara.

District No. Twenty-nine (29) shall consist of the counties of Ontario and Livingston.

District No. Thirty (30) shall consist of the counties of Allegany and Wyoming.

District No. Thirty-one (31) shall consist of the county of Erie.

District No. Thirty-two (32) shall consist of the counties of Chautauqua and Cattaraugus.

Sec. 4. *Census to be taken in* 1855, *and every ten years—senate districts,*

how altered.—An enumeration of the inhabitants of the state shall be taken, under the direction of the legislature, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and persons of colour not taxed; and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a senate district, except such county shall be equitably entitled to two or more senators.

SEC. 5. *Members of assembly, number of, &c.*—The assembly shall consist of one hundred and twenty-eight members, elected for one year. The members of assembly shall be apportioned among the several counties of the state, by the legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts. The assembly districts shall remain as at present organised, until after the enumeration of the inhabitants of the state, in the year eighteen hundred and seventy-five. The legislature, at its first session after the return of every enumeration, shall apportion the members of assembly among the several counties of the state, in manner aforesaid, and the board of supervisors in such counties as may be entitled, under such apportionment, to more than one member, except the city and county of New York, and in said city and county the board of aldermen of said city, shall assemble at such time as the legislature making such apportionment shall prescribe, and divide their respective counties into assembly districts, each of which districts shall consist of convenient and contiguous territory, equal to the number of members of assembly to which such counties shall be entitled, and shall cause to be filed in the offices of the secretary of state and the clerks of their respective counties a description of such districts, specifying the number of each district and the population thereof, according to the last preceding enumeration as near as can be ascertained, and the apportionment and districts shall remain unaltered until another enumeration shall be made as herein provided. No town shall be divided in the formation of assembly districts. Every county heretofore established and separately organised, except the county of Hamilton, shall always be entitled to one member of the assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member. But the legislature may abolish the said county of Hamilton, and annex the territory thereof to some other county or counties. Nothing in this section shall prevent division at any time of counties and towns, and the erection of new towns and counties by the legislature.

SEC. 6. *Pay of members.*—Each member of the legislature shall receive for his services an annual salary of $1500. The members of either house shall also receive the sum of $1 for every 10 miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and

such members of the assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of $10 a-day.

SEC. 7. *No member to receive an appointment.*—No member of the legislature shall receive any civil appointment within this state, or the Senate of the United States, from the governor, the governor and senate, or from the legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

SEC. 8. *Persons disqualified from being members.*—No person shall be eligible to the legislature who, at the time of his election, is, or within 100 days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government; and if any person shall, after his election as a member of the legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

SEC. 9. *Time of election fixed.*—The elections of senators and members of assembly, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the legislature.

SEC. 10. *Powers of each house.*—A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns, and qualifications of its own members; shall choose its own officers; and the senate shall choose a temporary president, when the lieutenant-governor shall not attend as president, or shall act as governor.

SEC. 11. *Journals to be kept.*—Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

SEC. 12. *No member to be questioned, &c.*—For any speech or debate in either house of the legislature, the members shall not be questioned in any other place.

SEC. 13. *Bills may originate in either house.*—Any bill may originate in either house of the legislature, and all bills passed by one house may be amended by the other.

SEC. 14. *Enacting clause of bills.*—The enacting clause of all bills shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

SEC. 15. *Assent of a majority of all the members required, &c.*—No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the legislature, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

SEC. 16. *Restriction as to private and local bills.*—No private or local bill, which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in the title.

SEC. 17. *Existing law not to be made a part of an Act except by inserting it therein.*—No Act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of

said Act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such Act.

SEC. 18. *Private and local bills, in what cases they may not be passed—general laws to be passed—street railroads, condition upon which they may be authorised.*—The legislature shall not pass a private or local bill in any of the following cases:—

Changing the names of persons.

Laying out, opening, altering, working, or discontinuing roads, highways, or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning, or impanelling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections, or designating places of voting.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association, or individual the right to lay down railroad tracks.

Granting to any private corporation, association, or individual any exclusive privilege, immunity, or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the state.

The legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorise the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad, be first obtained, or in case the consent of such property owners cannot be obtained, the general term of the supreme court, in the district in which it is proposed to be constructed, may, upon application, appoint three commissioners, who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

SEC. 19. *The legislature not to audit or allow any private claim.*—The legislature shall neither audit nor allow any private claim or account against the state, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

SEC. 20. *Bill imposing a tax, manner of passing.*—Every law which imposes, continues, or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

SEC. 21. *Same subject.*—On the final passage, in either house of the legislature, of any Act which imposes, continues, or revives a tax, or creates a debt or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the state, the question shall be taken by yeas and nays, which shall be duly entered

upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

SEC. 22. *Board of supervisors.*—There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

SEC. 23. *Local legislative powers conferred on boards of supervisors.*—The legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the state such further powers of local legislation and administration as the legislature may from time to time deem expedient.

SEC. 24. *No extra compensation to be granted to a public officer, servant, agent, or contractor.*—The legislature shall not, nor shall the common council of any city nor any board of supervisors, grant any extra compensation to any public officer, servant, agent, or contractor.

SEC. 25. *Sections seventeen and eighteen not to apply to certain bills.*—Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the legislature by commissioners who have been appointed pursuant to law to revise the statutes.

ARTICLE IV.

SEC. 1. *Executive power, how vested.*—The executive power shall be vested in a governor, who shall hold his office for three years; a lieutenant-governor shall be chosen at the same time, and for the same term. The governor and lieutenant-governor elected next preceding the time when this section shall take effect shall hold office during the term for which they were elected.

SEC. 2. *Requisite qualifications of governor.*—No person shall be eligible to the office of governor or lieutenant-governor except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years, next preceding his election, a resident of this state.

SEC. 3. *Time and manner of electing governor and lieutenant-governor.*—The governor and lieutenant-governor shall be elected at the times and places of choosing members of the assembly. The persons respectively having the highest number of votes for governor and lieutenant-governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor, or for lieutenant-governor, the two houses of the legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for governor or lieutenant-governor.

SEC. 4. *Duties and power of governor—his compensation.*—The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature (or the senate only) on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall

take care that the laws are faithfully executed. He shall receive for his services an annual salary of $10,000, and there shall be provided for his use a suitable and furnished executive residence.

SEC. 5. *Pardoning power vested in the governor.*—The governor shall have the power to grant reprieves, commutations, and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or reprieve.

SEC. 6. *Powers of governor to devolve on lieutenant-governor.*—In case of the impeachment of the governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the disability shall cease. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military forces of the state.

SEC. 7. *Requisite qualifications of lieutenant-governor—duties, &c.*—The lieutenant-governor shall possess the same qualifications of eligibility for office as the governor. He shall be president of the senate, but shall have only a casting-vote therein. If during a vacancy of the office of governor the lieutenant-governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the state, the president of the senate shall act as governor until the vacancy be filled, or the disability shall cease.

SEC. 8. *Compensation of lieutenant-governor.*—The lieutenant-governor shall receive for his services an annual salary of $5000, and shall not receive or be entitled to any other compensation, fee, or perquisite for any duty or service he may be required to perform by the constitution or by law.

SEC. 9. *Bills to be presented to the governor for signature.*—Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall

not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

ARTICLE V.

SEC. 1. *State officers, how elected, and terms of office.*—The secretary of state, comptroller, treasurer, and attorney-general shall be chosen at a general election, and shall hold their offices for two years. Each of the officers in this article named (except the speaker of the assembly) shall, at stated times during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, to his use, any fees or perquisites of office, or other compensation.

SEC. 2. *State engineer and surveyor, how chosen, and term of office.*—A state engineer and surveyor shall be chosen at a general election, and shall hold his office two years, but no person shall be elected to said office who is not a practical engineer.

SEC. 3. *Superintendent of public works, how appointed—powers and duties of.*—A superintendent of public works shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office until the end of the term of the governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the state engineer and surveyor; subject to the control of the legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such superintendent of public works from office, the governor shall file with the secretary of state a statement of the cause of such

removal, and shall report such removal, and the cause thereof, to the legislature at its next session. The superintendent of public works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the superintendent of public works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the superintendent of public works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the state engineer and surveyor, shall be appointed by the superintendent of public works, and be subject to suspension or removal by him. The office of canal commissioner is abolished from and after the appointment and qualification of the superintendent of public works, until which time the canal commissioners shall continue to discharge their duties as now provided by law. The superintendent of public works shall perform all the duties of the canal commissioners, and board of canal commissioners, as now declared by law, until otherwise provided by the legislature. The governor, by and with the advice and consent of the senate, shall have power to fill vacancies in the office of superintendent of public works; if the senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the senate.

SEC. 4. *Superintendent of prisons, how appointed—powers and duties of.*—A superintendent of state prisons shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office for five years unless sooner removed; he shall give security in such amount, and with such sureties, as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management, and control of state prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians, and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the superintendent. The comptroller shall appoint the clerks of the prisons. The superintendent shall have all the powers and perform all the duties, not inconsistent herewith, which have heretofore been had and performed by the inspectors of state prisons; and from and after the time when such superintendent of state prisons shall have been appointed and qualified, the office of inspector of state prisons shall be and hereby is abolished. The governor may remove the superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defence.

SEC. 5. *Commissioners of the land-office—commissioners of the canal fund—canal board.*—The lieutenant-governor, speaker of the assembly, secretary of state, comptroller, treasurer, attorney-general, and state engineer and surveyor, shall be the commissioners of the land-office. The lieutenant-governor, secretary of state, comptroller, treasurer, and attorney-general, shall be the commissioners of

the canal fund. The canal board shall consist of the commissioners of the canal fund, the state engineer and surveyor, and the canal commissioners.

SEC. 6. *Powers and duties of boards, &c.*—The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

SEC. 7. *Treasurer may be suspended by governor.*—The treasurer may be suspended from office by the governor, during the recess of the legislature, and until thirty days after the commencement of the next session of the legislature, whenever it shall appear to him that such treasurer has, in any particular, violated his duty. The governor shall appoint a competent person to discharge the duties of the office during such suspension of the treasurer.

SEC. 8. *Certain offices abolished.*—All offices for the weighing, gauging, measuring, culling, or inspecting any merchandise, produce, manufacture, or commodity whatever, are hereby abolished, and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the state in its property, revenue, tolls, or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

ARTICLE VI.

SEC. 1. *Impeachment—assembly has power of—effect of judgment.*—The assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The court for the trial of impeachments shall be composed of the president of the senate, the senators, or a major part of them, and the judges of the court of appeals, or the major part of them. On the trial of an impeachment against the governor, the lieutenant-governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the senate, until he shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment, according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honour, trust, or profit, under this state; but the party impeached shall be liable to indictment and punishment according to law.

SEC. 2. *Court of appeals—judges, how chosen—appointment of clerk.*—There shall be a court of appeals, composed of a chief judge and six associate judges, who shall be chosen by the electors of the state, and shall hold their office for the term of fourteen years from and including the first day of January next after their election. At the first election of judges under this constitution, every elector may vote for the chief and only four of the associate judges. Any five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have the appointment, with the power of removal, of its reporter and clerk, and of such attendants as may be necessary.

SEC. 3. *Vacancies in office of judge of court of appeals, how filled.*—When a vacancy shall occur, other-

wise than by expiration of term, in the office of chief or associate judge of the court of appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the governor by and with the advice and consent of the senate, if the senate shall be in session, or if not, the governor alone, may appoint to fill such vacancy. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

SEC. 4. *Causes pending in court of appeals to be referred to commissioners of appeals.*—Upon the organisation of the court of appeals, under this article, the causes then pending in the present court of appeals shall become vested in the court of appeals hereby established. Such of said causes as are pending on the first day of January, eighteen hundred and sixty-nine, shall be heard and determined by a commission, to be composed of five commissioners of appeals, four of whom shall be necessary to constitute a quorum; but the court of appeals hereby established may order any of said causes to be heard therein. Such commission shall be composed of the judges of the present court of appeals, elected or appointed thereto, and a fifth commissioner who shall be appointed by the governor by and with the advice and consent of the senate; or, if the senate be not in session, by the governor; but in such case, the appointment shall expire at the end of the next session.

SEC. 5. *Commissioners of appeals—vacancies, how filled—chief commissioner to be appointed.*—If any vacancy shall occur in the office of the said commissioners, it shall be filled by appointment by the governor, by and with the advice and consent of the senate; or if the senate is not in session, by the governor; but in such case the appointment shall expire at the end of the next session. The commissioners shall appoint, from their number, a chief commissioner, and may appoint and remove such attendants as may be necessary. The reporter of the court of appeals shall be the reporter of said commission. The decisions of the commission shall be certified to, and entered and enforced as the judgments of, the court of appeals. The commission shall continue until the causes committed to it are determined, but not exceeding three years; and all causes then undetermined shall be heard by the court of appeals.

SEC. 6. *Supreme court—jurisdiction—justices—judicial districts, number of justices in; may be altered without increasing number.*—There shall be the existing supreme court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law; and it shall be composed of the justices now in office, with one additional justice, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the state are continued until changed pursuant to this section.

Five of the justices shall reside in the district in which is the city of New York, and five in the second judicial district, and four in each of the other districts. The legislature may alter the districts, without increasing the number, once after every enumeration, under this constitution, of the inhabitants of the state.

Sec. 7. *Terms of supreme court.*—At the first session of the legislature after the adoption of this article, and from time to time thereafter as may be necessary, but not oftener than once in five years, provisions shall be made for organising, in the supreme court, not more than four general terms thereof, each to be composed of a presiding justice, and not more than three other justices, who shall be designated, according to law, from the whole number of justices. Each presiding justice shall continue to act as such during his term of office. Provision shall be made by law for holding the general terms in each judicial district. Any justice of the supreme court may hold special terms and circuit courts, and may preside in courts of oyer and terminer, in any county.

Sec. 8. *Judge or justice may not sit in review of decisions made by him, &c.*—No judge or justice shall sit, at a general term of any court, or in the court of appeals, in review of a decision made by him, or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and except as herein otherwise provided, the legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and equity that they have heretofore exercised.

Sec. 9. *Vacancy in office of justice of supreme court, how filled.*—When a vacancy shall occur, otherwise than by expiration of term, in the office of justice of the supreme court, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until any vacancy shall be so filled, the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not in session, the governor may appoint to fill such vacancy. Any such appointment shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Sec. 10. *Judges of court of appeals, or justices of supreme court, to hold no other office.*—The judges of the court of appeals, and the justices of the supreme court, shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the legislature or the people, shall be void.

Sec. 11. *Removals—proceedings in relation to.*—Judges of the court of appeals, and justices of the supreme court, may be removed by concurrent resolution of both houses of the legislature, if two-thirds of all the members elected to each house concur therein. All judicial officers, except those mentioned in this section, and except justices of the peace and judges and justices of inferior courts not of record, may be removed by the senate, on the recommendation of the governor, if two-thirds of all the members elected to the senate concur therein. But no removal shall be made, by virtue of this section, unless the cause thereof be entered on the journals, nor unless the party complained of shall have been served with a copy of the charges against him, and shall have had an opportunity of being heard. On the question of removal, the yeas and nays shall be entered on the journal.

Sec. 12. *City courts.*—The superior court of the city of New York, the

court of common pleas of the city and county of New York, the superior court of Buffalo, and the city court of Brooklyn, are continued with the powers and jurisdiction they now severally have, and such further civil and criminal jurisdiction as may be conferred by law. The superior court of New York shall be composed of the six judges in office at the adoption of this article, and their successors; the court of common pleas of New York, of the three judges then in office, and their successors, and three additional judges; the superior court of Buffalo, of the judges now in office and their successors; and the city court of Brooklyn, of such number of judges, not exceeding three, as may be provided by law. The judges of said courts, in office at the adoption of this article, are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts, from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the supreme court. The legislature may provide for detailing judges of the superior court and court of common pleas of New York to hold circuits or special terms of the supreme court in that city, and for detailing judges of the city court of Brooklyn to hold circuits and special terms of the supreme court in Kings county, as the public interests may require.

SEC. 13. *Justice of supreme court or judges of city courts, how chosen—term of office—restriction as to age.*—Justices of the supreme court shall be chosen by the electors of their respective judicial districts. Judges of all courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which said courts are instituted. The official terms of the said justices and judges who shall be elected after the adoption of this article shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next after he shall be seventy years of age. The compensation of every judge of the court of appeals, and of every justice of the supreme court, whose term of office shall be abridged pursuant to this provision, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected.

SEC. 14. *Compensation of judges or justices—not to be diminished during term of office.*—The judges and justices hereinbefore mentioned shall receive for their services a compensation to be established by law, which shall not be diminished during their official terms. Except the judges of the court of appeals and the justices of the supreme court, they shall be paid, and the expenses of their courts defrayed, by the cities or counties in which such courts are instituted, as shall be provided by law.

SEC. 15. *County courts.*—The existing county courts are continued, and the judges thereof in office at the adoption of this article shall hold their offices until the expiration of their respective terms. Their successors shall be chosen by the electors of the counties, for the term of six years. The county court shall have the powers and jurisdiction they now possess, until altered by the legislature. They shall also have original jurisdiction in all cases where the defendants reside in the county, and in which the damages claimed shall not exceed $1000; and also such appellate jurisdiction as shall

be provided by law, subject, however, to such provision as shall be made by law for the removal of causes into the supreme court. They shall also have such other original jurisdiction as shall, from time to time, be conferred upon them by the legislature. The county judge, with two justices of the peace, to be designated according to law, may hold courts of sessions, with such criminal jurisdiction as the legislature shall prescribe, and he shall perform such other duties as may be required by law. His salary, and the salary of the surrogate when elected as a separate officer, shall be established by law, payable out of the county treasury, and shall not be diminished during his term of office. The justices of the peace shall be paid, for services in courts of sessions, a per diem allowance out of the county treasury. The county judge shall also be surrogate of his county; but in counties having a population exceeding forty thousand, the legislature may provide for the election of a separate officer to be surrogate, whose term of office shall be the same as that of the county judge. The county judge of any county may preside at courts of sessions, or hold county courts, in any other county except New York and Kings, when requested by the judge of such other county.

SEC. 16. *Local judicial officers.*— The legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability, or of a vacancy, and to exercise such other powers in special cases as may be provided by law.

SEC. 17. *Judge of court of appeals, or justice of supreme court, election or appointment of — question to be submitted to people.* — The legislature shall provide for submitting to the electors of the state, at the general election in the year eighteen hundred and seventy-three, two questions, to be voted upon on separate ballots, as follows: First, "Shall the offices of chief judge and associate judge of the court of appeals, and of justice of the supreme court, be hereafter filled by appointment?" If a majority of the votes upon the question shall be in the affirmative, the said officers shall not thereafter be elective, but, as vacancies occur, they shall be filled by appointment by the governor, by and with the advice and consent of the senate, or if the senate be not in session, by the governor; but in such case, he shall nominate to the senate when next convened, and such appointment by the governor alone shall expire at the end of that session. Second, "Shall the offices of the judges, mentioned in sections twelve and fifteen of article six of the constitution, be hereafter filled by appointment?" If a majority of the votes upon the question shall be in the affirmative, the said officers shall not thereafter be elective, but, as vacancies occur, they shall be filled in the manner in this section above provided.

SEC. 18. *Justices of the peace.*— The electors of the several towns shall, at their annual town meeting, and in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the peace, and judges or justices of inferior courts not of record and their clerks, may be removed, after due notice and an opportunity of being heard by such courts as may be prescribed by law, for causes to be assigned in the order of removal.

Justices of the peace and district court justices shall be elected in the different cities of this state, in such manner, and with such powers, and for such terms respectively, as shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of cities, or appointed by some local authorities thereof.

SEC. 19. *Inferior local courts.*—Inferior local courts of civil and criminal jurisdiction may be established by the legislature; and, except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the legislature may direct.

SEC. 20. *Clerks of supreme court and court of appeals.*—Clerks of the several counties shall be clerks of the supreme court, with such powers and duties as shall be prescribed by law. The clerk of the court of appeals shall keep his office at the seat of government. His compensation shall be fixed by law and paid out of the public treasury.

SEC. 21. *No judicial officer, except justice of the peace, to receive fees.*—No judicial officer, except justices of the peace, shall receive to his own use any fees or perquisites of office; nor shall any judge of the court of appeals, justice of the supreme court, or judge of a court of record in the cities of New York, Brooklyn, or Buffalo, practise as an attorney or counsellor in any court of record in this state, or act as referee.

SEC. 22. *Judgments, &c., may be ordered directly to court of appeals for review.*—The legislature may authorise the judgments, decrees, and decisions of any court of record of original civil jurisdiction, established in a city, to be removed for review, directly into the court of appeals.

SEC. 23. *Publication of statutes to be provided for—to be free to all.*—The legislature shall provide for the speedy publication of all statutes, and also for the appointment, by the justices of the supreme court designated to hold general terms, of a reporter of the decisions of that court. All laws and judicial decisions shall be free for publication by any person.

SEC. 24. *Judges, first election of—when to enter upon duties.*—The first election of judges of the court of appeals, and of the three additional judges of the court of common pleas for the city and county of New York, shall take place on such day, between the first Tuesday of April and the second Tuesday in June next after the adoption of this article, as may be provided by law. The court of appeals, the commissioners of appeals, and the additional judges of the said court of common pleas, shall respectively enter upon their duties on the first Monday of July thereafter.

SEC. 25. *Local judicial officers—term of office of present incumbents.*—Surrogates, justices of the peace, and local judicial officers provided for in section sixteen, in office when this article shall take effect, shall hold their respective offices until the expiration of their terms.

SEC. 26. *Courts of special sessions.*—Courts of special sessions shall have such jurisdiction of offences of the grade of misdemeanours as may be prescribed by law.

SEC. 27. *Surrogates' courts.*—For the relief of surrogates' courts, the legislature may confer upon courts of record, in any county having a population exceeding four hundred thousand, the powers and jurisdiction of surrogates, with authority to try issues of fact by jury in probate causes.

SEC. 28. *Court of appeals may order causes to be heard by commission of appeals.*—The court of appeals

may order any of the causes, not exceeding five hundred in number, pending in that court at the time of the adoption of this provision, to be heard and determined by the commissioners of appeals, and the legislature may extend the term of service of the commissioners of appeals, not exceeding two years.

SEC. 28 [numbered so in the original]. *Legislature to provide for not more than five general terms—election of additional justices—when justices to be invested with office.*—The legislature, at the first session thereof after the adoption of this amendment, shall provide for organising in the supreme court not more than five general terms thereof; and for the election at the general election next after the adoption of this amendment, by the electors of the judicial districts mentioned in this section, respectively, of not more than two justices of the supreme court in addition to the justices of that court now in office in the first, fifth, seventh, and eighth, and not more than one justice of that court in the second, third, fourth, and sixth judicial districts. The justices so elected shall be invested with their offices on the first Monday of June next after their election.

ARTICLE VII.

SEC. 1. *Canal debt—sinking fund—June* 1, 1846, $1,300,000—*June* 1, 1855, $1,700,000.—After paying the expenses of collection, superintendence, and ordinary repairs, there shall be appropriated and set apart in each fiscal year out of the revenues of the state canals, in each year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of $1,300,000 until the first day of June, one thousand eight hundred and fifty-five, and from that time the sum of $1,700,000 in each fiscal year, as a sinking fund to pay the interest and redeem the principal of that part of the state debt called the canal debt, as it existed at the time first aforesaid, and including $300,000 then to be borrowed, until the same shall be wholly paid; and the principal and income of the said sinking fund shall be sacredly applied to that purpose.

SEC. 2. *General fund debt—sinking fund*, $350,000; *after certain period*, $1,500,000.—After complying with the provisions of the first section of this article, there shall be appropriated and set apart out of the surplus revenues of the state canals in each fiscal year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of $350,000, until the time when a sufficient sum shall have been appropriated and set apart, under the said first section, to pay the interest and extinguish the entire principal of the canal debt; and after that period, then the sum of $1,500,000 in each fiscal year, as a sinking fund, to pay the interest and redeem the principal of that part of the state debt called the general fund debt, including the debt for loans of the state credit to railroad companies which have failed to pay the interest thereon, and also the contingent debt on state stocks loaned to incorporated companies which have hitherto paid the interest thereon, whenever and as far as any part thereof may become a charge on the treasury or general fund, until the same shall be wholly paid; and the principal and income of the said last-mentioned sinking fund shall be sacredly applied to the purpose aforesaid; and if the payment of any part of the moneys to the said sinking fund shall at any time be deferred by reason of the priority recognised in the first section of this article, the sum so deferred, with quarterly interest thereon at the

then current rate, shall be paid to the last-mentioned sinking fund, as soon as it can be done consistently with the just rights of the creditors holding said canal debt.

SEC. 3. *No tolls to be imposed—annual tax for expenses—canal debt—work and materials—no extra compensation to contractors.* —The first and second sections of this article having been fully complied with, no tolls shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals, and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. The canal debt contracted under the section hereby amended, which on the first day of October, eighteen hundred and eighty, amounted to $8,982,200, shall continue to be known as the "canal debt, under article seven, section three of the constitution;" and the sinking fund applicable to the payment thereof, together with the contributions to be made thereto, shall continue to be known as the "canal debt sinking fund," and the principal and interest of said debt shall be met as provided in the fifth section of this article. All contracts for work or materials on any canals shall be made with the person who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

SEC. 4. *Loans to incorporated companies not to be released or compromised.* —The claims of the state against any incorporated company to pay the interest and redeem the principal of the stock of the state loaned or advanced to such company, shall be fairly enforced, and not released or compromised; and the moneys arising from such claim shall be set apart, and applied as part of the sinking fund provided in the second section of this article. But the time limited for the fulfilment of any condition of any release or compromise heretofore made or provided for, may be extended by law.

SEC. 5. *Annual tax to pay interest and extinguish canal debt—legislature may impose tax for fiscal year beginning October 1, 1883, sufficient to pay debt—provision for retirement of debt.* —There shall annually be imposed and levied a tax which shall be sufficient to pay the interest and extinguish the principal of the canal debt mentioned in the third section of this article, as the same shall become due and payable, and the proceeds of such tax shall, in each fiscal year, be appropriated and set apart for the sinking fund constituted for the payment of the principal and the interest of the aforesaid debt. But the legislature may, in its discretion, impose for the fiscal year, beginning on the first day of October, eighteen hundred and eighty-three, a state tax on each dollar of the valuation of the property in this state which may by law then be subject to taxation, sufficient, with the accumulations of the sinking fund applicable thereto, to pay in full both the principal and interest of the canal debt before mentioned, and the proceeds of such tax shall be appropriated and set apart for the sinking fund constituted for the payment of the principal and the interest of said debt. In the event of such action by the legislature, then the legislature shall, under the law directing the assessment and levy of such tax, make such

provision for the retirement of the canal debt as it shall deem equitable and just to the creditors of the state.

SEC. 6. *Certain canals of the state not to be leased or sold—funds from leases or sale, how applied.*—The legislature shall not sell, lease, or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal, but they shall remain the property of the state, and under its management for ever. All funds that may be derived from any lease, sale, or other disposition of any canal, shall be applied in payment of the canal debt mentioned in the third section of this article.

SEC. 7. *Salt-springs.*—The legislature shall never sell or dispose of the salt-springs belonging to this state. The lands contiguous thereto, and which may be necessary and convenient for the use of the salt-springs, may be sold by authority of law and under the direction of the Commissioners of the Land Office, for the purpose of investing the moneys arising therefrom in other lands alike convenient; but by such sale and purchase the aggregate quantity of these lands shall not be diminished.

SEC. 8. *Appropriation bills.* — No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation Act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

SEC. 9. *State credit not to be loaned.* —The credit of the state shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation.

SEC. 10. *Power to contract debts limited.*—The state may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not, at any time, exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.

SEC. 11. *Debts to repel invasion, &c., may be contracted.*—In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or defend the state in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 12. *Limitation of the legislative power in the creation of debts.*—Except the debts specified in the tenth and eleventh sections of this article, no debts shall be hereafter contracted by or on behalf of this state, unless such debt shall be authorised by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it, at such election. On the final passage of such bill in either house of the legislature, the question shall be

taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

The legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time by law forbid the contracting of any further debt or liability under such law; but the tax imposed by such Act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorising such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election, when any other law, or any bill, or any amendment to the constitution shall be submitted to be voted for or against.

SEC. 13. *Sinking funds to be separately kept and safely invested.*—The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the state shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

SEC. 14. *Claims barred by lapse of time—limitation of existing claims.*—Neither the legislature, canal board, canal appraisers, nor any person or persons acting in behalf of the state, shall audit, allow, or pay any claim which, as between citizens of the state, would be barred by lapse of time. The limitation of existing claims shall begin to run from the adoption of this section; but this provision shall not be construed to revive claims already barred by existing statutes, nor to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

ARTICLE VIII.

SEC. 1. *Corporations, how created.*—Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws and special Acts passed pursuant to this section may be altered from time to time or repealed.

SEC. 2. *Debts of corporations.*—Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 3. "*Corporations*" *defined.*—The term corporations as used in this article shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

SEC. 4. *Charters for savings banks*

and banking purposes.—The legislature shall by general law conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights, and liabilities; and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The legislature shall have no power to pass any Act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

SEC. 5. *Specie payments.* — The legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association, or corporation issuing bank-notes of any description.

SEC. 6. *Registry of bills or notes.* — The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

SEC. 7. *Individual responsibility of stockholders.* — The stockholders in every corporation and joint-stock association for banking purposes issuing bank-notes or any kind of paper credits to circulate as money, after the first day of January, one thousand eight hundred and fifty, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind contracted after the said first day of January, one thousand eight hundred and fifty.

SEC. 8. *Insolvency of banks, preference.*—In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

SEC. 9. *Legislature to provide for the incorporation of cities and villages, and to define powers thereof in certain cases.*—It shall be the duty of the legislature to provide for the organisation of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

SEC. 10. *The credit or money of the state not to be given or loaned.*—Neither the credit nor the money of the state shall be given or loaned to or in aid of any association, corporation, or private undertaking. This section shall not, however, prevent the legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held by the state for educational purposes.

SEC. 11. *Counties, cities, towns, and villages not to give money or property, or loan their money or credit—their power to contract debts limited.*—No county, city, town, or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association, or corporation, or become, directly or indirectly, the owner of stock in or bonds of any association or corporation; nor shall any such

county, city, town, or village be allowed to incur any indebtedness, except for county, city, town, or village purposes. This section shall not prevent such county, city, town, or village from making such provision for the aid or support of its poor as may be authorised by law.

ARTICLE IX.

SEC. 1. *Common school, literature, and United States deposit funds.*—The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies, and the sum of $25,000 of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

ARTICLE X.

SEC. 1. *Sheriffs, clerks of counties, register and clerk of New York, coroners and district attorneys—governor may remove.*—Sheriffs, clerks of counties, including the register and clerk of the city and county of New York, coroners, and district attorneys, shall be chosen by the electors of the respective counties, once in every three years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defence.

SEC. 2. *Officers, how chosen or appointed.*—All county officers whose election or appointment is not provided for by this constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the legislature shall direct. All city, town, and village officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of such cities, towns, and villages, or of some division thereof, or appointed by such authorities thereof, as the legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the legislature may direct.

SEC. 3. *Duration of office.*—When the duration of any office is not provided by this constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

SEC. 4. *Time of election.*—The time of electing all officers named in this article shall be prescribed by law.

SEC. 5. *Vacancies in office, how filled.*—The legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

SEC. 6. *Political year.*—The political year and legislative term shall begin on the first day of January;

and the legislature shall, every year, assemble on the first Tuesday in January, unless a different day shall be appointed by law.

Sec. 7. *Removal from office.*—Provision shall be made by law for the removal for misconduct or malversation in office of all officers (except judicial) whose powers and duties are not local or legislative, and who shall be elected at general elections, and also for supplying vacancies created by such removal.

Sec. 8. *When office deemed vacant.*—The legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this constitution.

Sec. 9. *Compensation of certain officers.*—No officer whose salary is fixed by the constitution shall receive any additional compensation. Each of the other state officers named in the consitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

ARTICLE XI.

Sec. 1. *Militia.*—The militia of this state shall, at all times hereafter, be armed and disciplined and in readiness for service; but all such inhabitants of this state of any religious denomination whatever as from scruples of conscience may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

Sec. 2. *Manner of choosing or appointing militia officers.*—Militia officers shall be chosen, or appointed, as follows: Captains, subalterns, and non-commissioned officers shall be chosen by the written votes of the members of their respective companies; field-officers of regiments and separate battalions by the written votes of the commissioned officers of the respective regiments and separate battalions; brigadier-generals and brigade inspectors by the field-officers of their respective brigades; major-generals, brigadier-generals, and commanding officers of regiments or separate battalions, shall appoint the staff officers to their respective divisions, brigades, regiments, or separate battalions.

Sec. 3. *Officers to be appointed by governor and senate — commissary-general.*—The governor shall nominate, and, with the consent of the senate, appoint all major-generals and the commissary-general. The adjutant-general and other chiefs of staff departments, and the aides-de-camp of the commander-in-chief, shall be appointed by the governor, and their commissions shall expire with the time for which the governor shall have been elected. The commissary-general shall hold his office for two years. He shall give security for the faithful execution of the duties of his office, in such manner and amount as shall be prescribed by law.

Sec. 4. *Election of militia officers.*—The legislature shall by law direct the time and manner of electing militia officers, and of certifying their elections to the governor.

Sec. 5. *Officers, how commissioned.*—The commissioned officers of the militia shall be commissioned by the governor; and no commissioned officer shall be removed from office, unless by the senate on the recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, pursuant to law. The present officers of the militia shall hold their commissions subject to removal, as before provided.

Sec. 6. *Election of militia officers*

may be abolished.—In case the mode of election and appointment of militia officers hereby directed shall not be found conducive to the improvement of the militia, the legislature may abolish the same, and provide by law for their appointment and removal, if two-thirds of the members present in each house shall concur therein.

ARTICLE XII.

SEC. 1. *Oath of office prescribed.*—Members of the legislature (and all officers, executive and judicial, except such inferior officers as shall be by law exempted) shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of , according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto as part thereof:—

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote;" and no other oath, declaration, or test shall be required as a qualification for any office of public trust.

ARTICLE XIII.

SEC. 1. *Amendments.*—Any amendment or amendments to this constitution may be proposed in the senate and assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice, and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments shall become part of the constitution.

SEC. 2. *Future conventions, how called.*—At the general election to be held in the year eighteen hundred and sixty-six, and in each twentieth year thereafter, and also at such time as the legislature may by law provide, the question, "Shall there be a convention to revise the constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favour of a convention for such purpose, the legislature at its next session shall provide by law for the election of delegates to such convention.

ARTICLE XIV.

SEC. 1. *Election—term of office of*

senators and members of assembly.—The first election of senators and members of the assembly, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-seven. The senators and members of assembly who may be in office on the first day of January, one thousand eight hundred and forty-seven, shall hold their offices until and including the thirty-first day of December following, and no longer.

Sec. 2. *First election of governor and lieutenant-governor, when.*—The first election of governor and lieutenant-governor under this constitution shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-eight; and the governor and lieutenant-governor in office when this constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December of that year.

Sec. 3. *State officers, and others, to remain in office till December* 31, 1847. —The secretary of state, comptroller, treasurer, attorney-general, district attorneys, surveyor-general, canal commissioners, and inspectors of state prisons, in office when this constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December, one thousand eight hundred and forty-seven, and no longer.

Sec. 4. *First election of judicial officers, when.*—The first election of judges and clerk of the court of appeals, justices of the supreme court, and county judges, shall take place at such time between the first Tuesday of April and the second Tuesday of June, one thousand eight hundred and forty-seven, as may be prescribed by law. The said courts shall respectively enter upon their duties on the first Monday of July next thereafter; but the term of office of said judges, clerk, and justices, as declared by this constitution, shall be deemed to commence on the first day of January, one thousand eight hundred and forty-eight.

Sec. 5. *Jurisdiction of pending suits.*—On the first Monday of July, one thousand eight hundred and forty-seven, jurisdiction of all suits and proceedings then pending in the present supreme court and court of chancery, and all suits and proceedings originally commenced and then pending in any court of common pleas (except in the city and county of New York), shall become vested in the supreme court hereby established. Proceedings pending in courts of common pleas, and in suits originally commenced in justices' courts, shall be transferred to the county courts provided for in this constitution, in such manner and form and under such regulations as shall be provided by law. The courts of oyer and terminer hereby established shall in their respective counties have jurisdiction, on and after the day last mentioned, of all indictments and proceedings then pending in the present courts of oyer and terminer, and also of all indictments and proceedings then pending in the present courts of general sessions of the peace, except in the city of New York, and except in cases of which the courts of sessions hereby established may lawfully take cognisance; and of such indictments and proceedings the courts of sessions hereby established shall have jurisdiction on and after the day last mentioned.

Sec. 6. *Chancellor and supreme court — masters in chancery.* — The chancellor and the present supreme court shall, respectively, have power to hear and determine any of such

suits and proceedings ready on the first Monday of July, one thousand eight hundred and forty-seven, for hearing or decision, and shall, for their services therein, be entitled to their present rates of compensation until the first day of July, one thousand eight hundred and forty-eight, or until all such suits and proceedings shall be sooner heard and determined. Masters in chancery may continue to exercise the functions of their office in the court of chancery, so long as the chancellor shall continue to exercise the functions of his office under the provisions of this constitution. And the supreme court hereby established shall also have power to hear and determine such of said suits and proceedings as may be prescribed by law.

SEC. 7. *Vacancy in office of chancellor, or justice of supreme court, how filled.*—In case any vacancy shall occur in the office of chancellor or justice of the present supreme court, previously to the first day of July, one thousand eight hundred and forty-eight, the governor may nominate, and, by and with the advice and consent of the senate, appoint a proper person to fill such vacancy. Any judge of the court of appeals or justice of the supreme court, elected under this constitution, may receive and hold such appointment.

SEC. 8. *Offices abolished.* — The offices of chancellor, justice of the existing supreme court, circuit judge, vice-chancellor, assistant vice-chancellor, judge of the existing county courts of each county, supreme court commissioner, master in chancery, examiner in chancery, and surrogate (except as herein otherwise provided), are abolished, from and after the first Monday of July, one thousand eight hundred and forty-seven. (1847.)

SEC. 9. *Chancellor and justices of present supreme court, eligible.*—The chancellor, the justices of the present supreme court, and the circuit judges, are hereby declared to be severally eligible to any office at the first election under this constitution.

SEC. 10. *Officers to hold until expiration of term.*—Sheriffs, clerks of counties (including the register and clerk of the city and county of New York), and justices of the peace, and coroners, in office when this constitution shall take effect, shall hold their respective offices until the expiration of the term for which they were respectively elected.

SEC. 11. *Judicial officers may receive fees.*—Judicial officers in office when this constitution shall take effect may continue to receive such fees and perquisites of office as are now authorised by law, until the first day of July, one thousand eight hundred and forty-seven, notwithstanding the provisions of the twentieth section of the sixth article of this constitution.

SEC. 12. *Local courts to remain, &c.*—All local courts established in any city or village, including the superior court, common pleas, sessions, and surrogates' courts of the city and county of New York, shall remain, until otherwise directed by the legislature, with their present powers and jurisdictions; and the judges of such courts and any clerks thereof in office on the first day of January, one thousand eight hundred and forty-seven, shall continue in office until the expiration of their terms of office, or until the legislature shall otherwise direct.

SEC. 13. *When constitution goes into operation.*—This constitution shall be in force from and including the first day of January, one thousand eight hundred and forty-seven, except as is herein otherwise provided.

ARTICLE XV.

SEC. 1. *Bribery and official corrup-*

tion.—Any person holding office under the laws of this state, who, except in payment of his legal salary, fees, or perquisites, shall receive, or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof, for performing, or omitting to perform, any official act, or with the express or implied understanding that his official action, or omission to act, is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offence of bribery.

Sec. 2. *The same subject.* — Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it is tendered, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

Sec. 3. *Person offering or receiving bribe may be witness.*—Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

Sec. 4. *District attorney may be removed for failure to prosecute violations — expenses of prosecution, how chargeable.* — Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the governor, after due notice and an opportunity of being heard in his defence. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this state, within such county, or of receiving bribes by any such person in said county, shall be a charge against the state, and their payment by the state shall be provided for by law.

ARTICLE XVI.

Sec. 1. *Amendments, when to take effect.*—All amendments to the constitution shall be in force from and including the first day of January succeeding the election at which the same were adopted, except when otherwise provided by such amendments.

Done, in Convention, at the Capitol, in the city of Albany, the ninth day of October in the year one thousand eight hundred and forty-six, and of the Independence of the United States of America the seventy-first.

In witness whereof, we have hereunto subscribed our names.

JOHN TRACY,
President and Delegate from the County of Chenango.

JAMES F. STARBUCK,
H. W. STRONG,
FR. SEGER,
} *Secretaries.*

VOTE OF THE PEOPLE UPON THE CONSTITUTION AND ITS AMENDMENTS.

November 4, 1845.

For a convention to consider and alter constitution .	213,257
Against	33,860
November 3, 1846.	
For amended constitution	221,528
Against	92,436
February 15, 1854.	
For amendment of section 3	

of article vii., for speedy completion of canals	185,771
Against	60,526
November 6, 1866.	
For a convention to revise constitution	352,854
Against	256,364
November 2, 1869.	
For the amended constitution	223,935
Against	290,456
For the amended judiciary article	247,240
Against	240,442
November 5, 1872.	
For amendment of article vi., relating to commission of appeals	176,038
Against	9,196
November 4, 1873.	
For appointment of judges of court of appeals and of supreme court	115,337
Against	319,979
For appointment of judges of county and certain city courts	110,725
Against	319,660
November 3, 1874.	
For amendment of article ii.	357,635
Against	177,033
For amendment of article iii., sections 1 to 8	325,904
Against	206,029
For amendment of article iii., sections 17 to 25	435,313
Against	98,050
For amendment of article iv.	336,197
Against	196,125
For amendment of article vii.	428,190
Against	104,139
For amendment of article viii., sections 4 and 11	337,891
Against	194,236
For amendment of article viii., section 10	336,237
Against	195,047
For amendment of article x.	335,548
Against	194,333
For amendment of article xii.	352,514
Against	179,365
For new article xv.	351,693
Against	177,923
For new article xvi.	446,883
Against	85,758
November 7, 1876.	
For amendment of article v., section 3	533,153
Against	81,832
For amendment of article v., section 4	530,226
Against	80,358
November 4, 1879.	
For amendment of article vi., section 6	95,331
Against	25,578
November 2, 1880.	
For amendment of article vi., sections 12 and 13	221,903
Against	111,225
November 7, 1882.	
For amendment of section 3 of article vii.	486,105
Against	163,151
For amendment of article vi.	248,784
Against	75,644

It is now proper to consider more particularly the machinery of one of the states, and as no state of the Union is more widely or deservedly known, or has exercised greater influence on other states, or whose constitution has been more closely copied as a model, the State of New York is perhaps the one best suited to illustrate state government. As already stated, everything not delegated by the state to the Federal Government by the Constitution of the United States, and amendments thereto, was retained, and is now inherent in the independent state. That the state government shall not be inconsistent with the constitutional government of the United States was agreed to by the original thirteen states at the time of accepting the Constitution of the United States; and, as shown in the case of the State of Colorado, those states admitted subsequently into the Union expressly undertook that their respective state governments should likewise be subordinate to the Federal Government, as set forth in the Constitution of the United States, amendments thereto, and Declaration of Independence of July 4, 1776.

The *first* constitution of the State of New York was adopted in convention of the representatives of the State of New York at Kingston, 20th April 1777, and was signed, "By order, A. Burr, President of the Convention and delegate from Orange County. Attest., James Van Ingen, Joseph Constant, Secretaries." The *second* constitution began: "We, the people of the State of New York, acknowledging with gratitude the grace and beneficence of God in permitting us to make choice of our form of government, do establish this constitution;" and was "Done, in convention, at the Capitol, in the city of Albany, the 10th day of November in the year 1821, and of the independence of the United States the 46th. In witness whereof, we have hereunto subscribed our names, Daniel D. Tompkins, President and delegate from the county of Richmond; John F. Bacon, Samuel S. Gardiner, Secretaries;" and pursuant to a resolution of the convention, it was also signed by all the members, delegates from the different counties, except by a few. This constitution was ratified by the people at an election held in the several towns and wards of the state, on the 15th, 16th, and 17th days of January 1822. Two amendments to this constitution were proposed by the legislature in 1825, were referred to the legislature of 1826, agreed to by two-thirds of the members elected to each house of that legislature, submitted to the people, and approved and ratified at an election held on the 6th, 7th, and 8th days of November 1826. Four other amendments were likewise adopted—one on each of two occasions, and two on one occasion. The *third* constitution began: "We, the people of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this constitution;" and was "Done, in convention, at the Capitol, in the city of Albany, the 9th day of October in the year 1846, and of the independence of the United States the 71st. In witness whereof, we have hereunto subscribed our names, John Tracy, President and delegate from the county of Chenango; James F. Starbuck, H. W. Strong, Fr. Seger, Secretaries."

The constitution now in force is this third constitution of 1846, with the amendments thereto.

Amendments to the constitution are proposed in the senate and assembly, and if the same are agreed to by a majority of the members elected to each of the two houses, such proposed amendments are entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and published for three months previous to the time of making such choice; and if, in the legislature so next chosen as aforesaid, such proposed amendments are agreed to by a majority of all the members elected to each house, then it is the duty of the legislature to submit such proposed amendments to the people in such manner and at such time as the legislature prescribes; and if the people approve and ratify such amendments by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendments become part of the constitution. The second section of the thirteenth article of this third constitution provided that, "At the general election to be held in the year 1866, and in each twentieth year thereafter, and also at such time as the legislature may by law prescribe, the question, 'Shall there be a convention to revise the constitution and amend the same?' shall be decided by the electors qualified to

vote for members of the legislature; and in case a majority of the electors so qualified voting at such election shall decide in favour of a convention for such purpose, the legislature at its next session shall provide by law for the election of delegates to such convention." A convention held in 1867, pursuant to this second section, proposed a new constitution, which was voted upon in parts in November 1869, and rejected, except article 6 (secs. 1 to 27, both inclusive, of the amended constitution now in force). Also, in pursuance to this second section, the question of having a convention was submitted to the vote of the people at the general elections held upon Tuesday, the 9th day of November 1886, and decided affirmatively.

The boundaries of the State of New York are as follows: Beginning at Lyon's Point in the mouth of a brook or river called Byram river, where it falls into Long Island Sound, and running thence up along said river to a rock at the ancient road or wading-place in said river, which rock bears north 12° and 45′ east, 550 rods from said point; then north 23° and 45′ west, 2292 rods; then east-north-east 13 miles and 64 rods, which lines were established in the year 1725 by Francis Harrison, Cadwallader Colden, and Isaac Hicks, commissioners on the part of the then province of New York, and Jonathan Law, Samuel Eells, Roger Wolcott, John Copp, and Edmund Lewis, commissioners on the part of the then colony of Connecticut, and were run as the magnetic needle then pointed; then along an east-north-east continuation of the last-mentioned course 1 mile, $\frac{3}{4}$ of a mile, and 21 rods to a monument erected in the year 1731 by Cadwallader Colden, Gilbert Willet, Vincent Matthews, and Jacobus Bruyn, junior, commissioners on the part of said colony; which said monument is at the south-east corner of a tract, known and distinguished as the oblong or equivalent lands; then by a line run by said last-mentioned commissioners on a course south 12° and 30′ west, from a monument erected by them in the south bounds of Massachusetts; which monument stands in a valley in the Taghkanick Mountains, 121 rods eastward from a heap of stones, in said bounds on the top or ridge of the most westerly of said mountains; then north 12° and 30′ east from a monument erected by said last-mentioned commissioners at said place of intersection, and standing on the north side of a hill south-easterly from the easternmost end of the long pond along the aforesaid line to the aforesaid monument erected in the south bounds of Massachusetts, being the north-east corner of the oblong; then west 9° south along the north bounds of the oblong, 1 mile, $\frac{3}{4}$ of a mile, 21 rods, and 5 links, to a monument erected by said commissioners at the north-west corner of the oblong, and at the distance of 20 miles from Hudson's river; which four last-mentioned lines were established by said last-mentioned commissioners, and were run by them as the magnetic needle pointed in the year 1731; then north 15° 12′ and 9″ east, along the line established in the year 1787, by Thomas Hutchins, John Ewing, and David Rittenhouse, commissioners appointed by the United States in Congress assembled, 50 miles, 41 chains, and 79 links, to a red or black oak-tree, marked by said commissioners, which said line was run by said last-mentioned commissioners, as the magnetic needle pointed in the year 1787; then north 82° and 20′ west, as the magnetic needle pointed in the year 1814, 50 chains to a monument erected for the south-west corner of the State of Vermont, by Smith Thompson, Simeon De Witt,

Eastern.

and George Tibbits, commissioners on the part of this state, and Joseph Beeman, junior, Henry Olin, and Joel Pratt, second, commissioners on the part of the State of Vermont, which monument stands on the brow of a high hill, descending to the west; then northerly in a straight line to a point which is distant 10 chains, on a course south 35° west, from the most westerly corner of a lot of land distinguished in the records of the town of Pownal, in the State of Vermont, as the fifth division of the right of Gamaliel Wallace, and which in the year 1814 was owned and occupied by Abraham Vosburgh; then north 35° east to said corner, and along the westerly bounds of said lot, 30 chains to a place on the westerly bank of Hosick river, where a hemlock-tree heretofore stood, noticed in said records as the most northerly corner of said lot; then north 1° and 20′ west, 6 chains to a monument, erected by the said commissioners, standing on the westerly side of Hosick river, on the north side of the highway leading out of Hosick into Pownal, and near the north-westerly corner of the bridge crossing said river; then north 27° and 20′ east, 30 chains through the bed of the said river to a large roundish rock on the north-easterly bank thereof; then north 25° west, 16 chains, and 70 links; then north 29° west, 18 chains, and 60 links, to a white-oak tree at the south-west corner of the land occupied in 1814 by Thomas Wilsey; then north 11° east, 77 chains to the north side of a highway, where it is met by a fence dividing the possession of said Thomas Wilsey, junior, and Emery Hunt; then north 46° east, 6 chains; then south 66° east, 26 chains, and 25 links; then north 9° east, 27 chains, and 50 links, to a blue slate-stone, anciently set up for the south-west corner of Bennington; then north 7° and 30′ east, 46 miles, 43 chains, and 50 links, to a bunch of hornbeam saplings on the south bank of Poultney river, the northernmost of which was marked by said last-mentioned commissioners, and from which a large butternut-tree bears north 70° west, 30 links, a large hard maple-tree south 2 chains and 86 links, and a white ash-tree on the north side of said river, north 77° east; which said several lines from the monument erected for the south-west corner of the State of Vermont were established by said last-mentioned commissioners, and were run by them as the magnetic needle pointed in the year 1814; then down the said Poultney river, through the deepest channel thereof to East Bay; then through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicate with Lake Champlain; then through the middle of the deepest channel of Lake Champlain to the eastward of the islands called the Four Brothers, and the westward of the islands called the Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle-La-Mott, to the line in 45° of north latitude, established by treaty for the boundary-line between the United States and the British dominions; then west along said line to the river St Lawrence; then along the line es-

Northern. tablished by the commissioners appointed under the sixth article of the Treaty of Ghent, into and up the said river St Lawrence to the waters of Lake Ontario; then along the said line through the waters of said lake and of the Niagara river to the waters of Lake Erie;

Western. then westerly through the same, and along the said line until intersected by a meridian line drawn through the most westerly bent or inclination of Lake Ontario; then south along said meridian line

to a monument in the beginning of the 43° of north latitude, erected in the year 1787 by Abraham Hardenburgh and William W. Morris, commissioners on the part of this state, and Andrew Ellicott and Andrew Porter, commissioners on the part of the State of Pennsylvania, for the purpose of making the termination of the line of jurisdiction between this state and the said State of Pennsylvania; then east along the line established and marked by said last-mentioned commissioners to the 90th milestone in the same parallel of latitude, erected in the year 1786 by James Clinton and Simeon De Witt, commissioners on the part of this state, and Andrew Ellicott, commissioner on the part of Pennsylvania, which said 90th milestone stands on the western side of the south branch of the Tioga river; then east along the line established and marked by said last-mentioned commissioners, to a stone erected in the year 1774 on a small island in the Delaware river by Samuel Holland and David Rittenhouse, commissioners on the part of the colonies of New York and Pennsylvania, for the purpose of marking the beginning of the 43° of north latitude; then down along said Delaware river to a point opposite to the fork or branch formed by the junction of the stream called Mahackamack with the said Delaware river, in the latitude of 41° 21′ and 37″ north; then in a straight line to the termination, on the east bank of the Delaware river, of a line run in the year 1774 by William Wickham and Samuel Gale, commissioners on the part of the then colony of New York, and John Stevens and Walter Rutherford, commissioners on the part of the then colony of New Jersey; then along said line to a rock on the west side of Hudson's river, in the latitude of 41° north, marked by said commissioners; then

Southern

southerly along the west shore, at low-water mark, of Hudson's river, of the Kill Van Kull, of the sound between Staten Island and New Jersey, and of Raritan Bay to Sandy Hook; and then to the place of beginning, in such manner as to include Staten Island, and the islands of Meadow on the west side thereof, Shooter's Island, Long Island, the Isle of Wight (now called Gardner's Island), Fisher's Island, Shelter Island, Plumb Island, Robin's Island, Ram Island, the Gull Islands, and all the islands and waters in the bay of New York, and within the bounds above described.

By an agreement made between the commissioners on the parts respectively of the State of New York and of the State of New Jersey, and dated 16th September 1833, and which became binding on the two states when confirmed by the legislatures thereof respectively, and when confirmed by the Congress of the United States, it was agreed that the boundary-line down the Hudson as described to the main sea should be the middle of the said river, of the bay of New York, of the waters between Staten Island and New Jersey, and of Raritan Bay, to the main sea, except as thereinafter otherwise particularly mentioned. The State of New York retained its then jurisdiction of and over Bedlow's and Ellis's islands, and exclusive jurisdiction of and over the other islands lying in the waters above-mentioned, and then under the jurisdiction of that state.

By *Article III.* of this agreement the State of New York was given exclusive jurisdiction of and over all the waters of the bay of New York and of Hudson river lying west of Manhattan Island, and to the south of the mouth of Spuytenduyvel Creek, and of and over the lands covered by the said waters to the low-water mark on the westerly or New Jersey side

thereof; subject to the following rights of property and of jurisdiction of the State of New Jersey—viz., The State of New Jersey was to have —1st, the exclusive right of property in and to the land under water lying west of the middle of the bay of New York, and west of the middle of that part of the Hudson river which lies between Manhattan Island and New Jersey; 2d, the exclusive jurisdiction of and over the wharves, docks, and improvements on the shore of the said state, and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels should be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New York; 3d, the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters, provided that the navigation be not obstructed or hindered. *Article IV.* gave the State of New York exclusive jurisdiction of and over the Kill Van Kull between Staten Island and New Jersey to the westernmost end of Shooter's Island, in respect to such quarantine laws and laws relating to passengers, and for executing the same; and also exclusive jurisdiction for the like purposes of and over the waters of the sound from the westernmost end of Shooter's Island to Woodbridge Creek, as to all vessels bound to any port in the State of New York. *Article V.* —The State of New Jersey got exclusive jurisdiction of and over all the waters of the sound between Staten Island and New Jersey lying south of Woodbridge Creek, and of and over all the waters of Raritan Bay lying westward of a line drawn from the lighthouse at Prince's Bay to the mouth of Mattawan Creek, subject to the following rights of property and of jurisdiction of the State of New York: 1st, the exclusive right of property in and to the land under water lying between the middle of the said waters and Staten Island; 2d, the exclusive jurisdiction of and over the wharves, docks, and improvements on the shore of Staten Island, and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessel shall be subject to the quarantine or health laws, and laws in relation to passengers of the State of New Jersey; 3d, the exclusive right of regulating the fisheries between the shore of Staten Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered. *Article VI.* provided that criminal process issued under the authority of the State of New Jersey against any person accused of an offence committed within that state, or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid, or committed against the regulations made or to be made of that state in relation to the fisheries mentioned in the 3d article; and also civil process issued under the authority of the State of New Jersey against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New York, unless such person or property shall be on board a vessel aground or fastened to the shore of the State of New York, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest, or such property shall be under seizure by virtue of process or authority of the State of New York. *Article VII.*, in similar terms, *mutatis mutandis*, gave to the State of New York similar right of serving criminal and also civil process against persons and property upon any of the waters within the exclusive jurisdiction of the State of New Jersey.

The Act of the New York legislature confirming this agreement is chap. 8 of the laws of 1834.

By an Act of the legislature of the commonwealth of Massachusetts, passed in May 1853, entitled, "An Act relating to the separation of the district of Boston corner from this commonwealth, and the cession of the same to the State of New York," sovereignty and jurisdiction over that portion of Massachusetts was ceded to New York; and by chap. 586 of the laws of 1853, entitled, "An Act accepting the sovereignty and jurisdiction over a certain portion of territory of the commonwealth of Massachusetts, ceded to the State of New York, upon certain conditions, by said commonwealth in 1853," the State of New York accepted such sovereignty and jurisdiction, but the acceptance "not to take effect until the Congress of the United States shall consent to such cession and annexation." By the second section of the New York Act, it was enacted that, until the proclamation provided in said Massachusetts Act should be issued, the courts of the commonwealth of Massachusetts should have authority to take and hold effectual civil and criminal jurisdiction in any cause or matter pending, or which arose anterior to the issuing of the said proclamation; and by the third section the governor of New York State, for the better defining the limits and extent of the ceded territory, should appoint commissioners to act in conjunction with Massachusetts commissioners, who should cause an accurate survey and map to be made of said territory, and "cause sufficient monuments to be erected in and along the eastern boundary-line of said territory, and shall cause the said map and survey to be duly authenticated and filed in the office of the secretary of this state, as record evidence of the extent and limits of such cession."

In a similar manner the State of Vermont ceded, in 1879, sovereignty and jurisdiction over a part of its territory to New York, which accepted the same by an Act which should take effect when the Congress of the United States should consent to such cession and annexation.

The boundaries between the State of New York and the States of Connecticut and Pennsylvania respectively having been settled by commissioners appointed by each state respectively, Acts were passed by the legislature of the State of New York ratifying and confirming the respective agreements of the said commissioners. The Connecticut agreement provided that "Nothing in the foregoing agreement contained shall be construed to affect existing titles to property, corporeal or incorporeal, held under grants heretofore made by either of said states, nor to affect existing rights which said states, or either of them, or which the citizens of either of said states may have by grant, letters-patent, or prescription, of fishing in the waters of said sound, whether for shell or floating fish, irrespective of the boundary-line hereby established, it not being the purpose of this agreement to define, limit, or interfere with any such rights or privileges, whatever the same may be." By the New York Act of ratification of this agreement, chap. 213, laws of 1880, the governor (of New York) was authorised and requested to transmit a copy of this Act to the governor of the State of Connecticut; and upon receiving due notice of the adoption of said agreement by the State of Connecticut, the governor of New York State should cause such notice to be filed in the office of the secretary of state; and upon the same being so filed, the said agree-

ment should become binding and operative, and in full force; and the boundary between this state (New York) and the State of Connecticut should be fixed and established, as specified and provided in said agreement.

By the laws of 1878, chap. 216, certain commissioners were reappointed to provide for the speedy completion of the state survey conducted in accordance with their last report to the legislature, namely—"The work is to be confined to fixing such meridian and other lines and points as are necessary to give correct bases for county, town, and other surveys, so that they may be of permanent value at any time in the future." And a report should be made annually by the commissioners to the legislature showing in detail all expenditures and proceedings, and so far as practicable all results obtained by virtue of this Act. By chap. 370 of said laws the time for the completion of the topographical survey and exploration of the Adirondack wilderness region was limited to six years from the passage of the Act; and the topographical character of the work should be completed in all respects throughout the area under survey. A full report on the progress of the survey should be annually presented to the legislature within sixty days after the meeting thereof.

The sovereignty and jurisdiction of the state extends to all the places within its boundaries, but its jurisdiction over places ceded to the United States is qualified by the terms of cession. It is the duty of the governor and of all the subordinate officers of the state to maintain and defend its sovereignty and jurisdiction. It is the duty of the district attorney of the county immediately to report to the governor the intrusion upon any of the waste or ungranted lands of the state of any person, under pretence of any claim inconsistent with the state sovereignty and jurisdiction, and thereupon the governor, by a written order, directs the sheriff of the county to remove from said lands the person so intruding; and the sheriff, in case of resistance made or threatened, may call to his aid the power of the county, as in the case of resistance to the writs of the people. Suits against the state, or against any person deriving title from the state, to recover lands within the state under pretence of any claim inconsistent with its sovereignty and jurisdiction, are defended at the expense of the state. When jurisdiction over a tract of land is ceded to the United States, it is always stipulated that the cession shall not prevent the execution upon such tract of any process, civil or criminal, issuing under authority of the state, nor the operation of the public laws of the state upon the tract, so far as not incompatible with the free use and enjoyment of the premises by the United States for the purposes specified. In some cases, according to circumstances, there may be added such clauses as these, "the said tract is exonerated and discharged from any taxes which may be laid or imposed under the authority of this state, while said tract shall remain the property of the Government of the United States, and while the same shall be appropriated to the above-mentioned purposes and not otherwise"—"such cession does not prevent the execution of any process at law under the authority of this state, except against the real or personal property of the Government of the United States." Where the jurisdiction ceded is merely concurrent, a clause is inserted stating that the cession is upon the express condition that the state shall retain a concurrent jurisdiction with

the United States in and over the tract of land aforesaid, so far as that civil process in all cases, and such criminal process as may issue under the authority of the state against any persons charged with crimes committed without the said tract of land, may be executed therein in the same way or manner as if this jurisdiction had not been ceded; the United States are to retain such jurisdiction so long as the said tract of land shall be used for the purposes expressed in the cession and no longer. In some cases, it is stipulated that the jurisdiction ceded shall not vest until the United States have acquired the title to the tract, and shall continue so long as the same shall remain the property of the United States, and be used for the purposes expressed, and no longer. And it is the same as regards the exemption from taxation. In all cases the ceded jurisdiction reverts to the state, and the exemption from taxation is merely temporary. By chap. 196 of the laws of 1880, "All the right and title of the State of New York to the following described parcels of land covered with water adjacent and contiguous to the lands of the United States in the harbour of New York at Governor's, Bedloe's, Ellis's and David's Islands, and forts Lafayette, Hamilton, Wadsworth (or Tompkins), and Schuyler, and jurisdiction over the same, are hereby released and ceded to the United States, . . . for the purposes of erecting and maintaining docks, wharves, boat-houses, sea-walls, batteries, and other needful structures and appurtenances, . . . provided that jurisdiction hereby ceded shall continue no longer than the United States shall own said lands at Governor's . . . and the adjacent lands covered with water, herein described and hereby released; and provided further that all civil and such criminal process as may lawfully issue under authority of this state, may be served or executed over said released lands, Sec. 2. The commissioners of the land office are hereby authorised and directed to issue a patent of said released lands to the United States."

THE CIVIL DIVISIONS OF THE STATE.

1. Counties.

The State of New York is divided into fifty-six counties, and the extent and limits of the several counties are particularly set forth—*e.g.*, "5. The county of New York shall contain the islands called Manhattan's Island, Great Barn Island, Little Barn Island, Manning's Island, Nutten Island, Bedlow's Island, Bucking Island, and the Oyster Island; and all the land under water within the following bounds—beginning at Spuytenduyvel Creek where the same empties itself into the Hudson river on the Westchester side thereof at low-water mark, and running thence along the said creek, at low-water mark, on the Westchester side thereof, to the East river or Sound; then to cross over to Nassau or Long Island, to low-water mark there, including Great Barn Island, Little Barn Island, and Manning's Island; then along Nassau or Long Island shore, at low-water mark, to the south side of the Redhook; then across the North river, so as to include Nutten Island, Bedlow's Island, Bucking Island, and the Oyster Islands, to the west bounds of the state; then along the west bounds of the state until it comes directly op-

posite to the first-mentioned creek, and then to the place where the said boundaries began." All lines which are described by courses indicated by the magnetic needle, are respectively to be taken as the magnetic needle pointed at the several times when such lines were originally established. None of the bounds or lines assigned for the limits of any of the counties are construed to affect the right or title of any person or body politic, or to confirm the bounds or rights of any patent whatsoever. Whenever two counties are separated from each other by a river or creek, the middle of the channel of such river or creek is the division-line between them, unless otherwise provided. Whenever the boundary-line crosses any island, the whole of such island is deemed to be within the county in which the greater part of it lies, unless otherwise directed. The counties of Kings, Richmond, and New York, for the purpose of serving all process, civil or criminal, have concurrent jurisdiction on the waters in the counties of Kings and Richmond, lying south of the bounds of the county of New York. All process issuing to officers of either of the counties bordering on the Seneca Lake, may be served upon the waters of that lake by any officer or person charged with the service thereof; and these counties, for all the purposes of civil and criminal process, have concurrent jurisdiction on the said waters. By Act of the legislature, part of an existing county can be erected into a separate and distinct county of the state, and a name is given to it; "and the freeholders and inhabitants thereof shall possess and enjoy all the rights and immunities which the freeholders and inhabitants of the several counties of this state are by law entitled to possess and enjoy." Should the boundary-line of the new county run through a town (township), all those parts on either side of such line are respectively provided for, so that each county contains none but whole towns; and when the part cut off and included in the new county is made a separate and distinct town, a name is given it, "and the freeholders and inhabitants thereof shall possess and enjoy all the rights, privileges, and immunities which the freeholders and inhabitants of the several towns of this state are entitled by law to possess and enjoy."

When the county of Schuyler was in 1854 erected from parts of the counties of Steuben, Chemung, and Tompkins, the electors of the territory embraced within the new county of Schuyler, until after the then next state census or enumeration, continued to vote for members of the legislature and justices of the supreme court as electors of the respective counties to which they had theretofore belonged; but for all other purposes they voted as electors of Schuyler county, and belonged to and formed a part of the 27th congressional district of the state. A copy of the original statements of all or any elections in any of the towns of the new county for members of the legislature and justices of the supreme court, duly certified pursuant to the provisions of law respecting elections for other than militia and town officers, was made by the inspectors, and subscribed and delivered to one of the assessors of such town, who delivered it to the board of canvassers of the county from which such town was taken, in order to enable such board of county canvassers to canvass the last-mentioned county. This statement has the same effect as the original statement would have had if delivered by the supervisor of said town, and if said town had not been thus set off to the county of Schuyler, un-

til the next state census or enumeration. The books, records, and papers belonging to the several clerks' and surrogates' offices of the counties of Chemung, Steuben, and Tompkins remained the property of each respectively, but such papers thereof as concerned the county of Schuyler and the real property therein were transcribed and copied into suitable books provided for the purpose at the expense of the county of Schuyler. The copies in these books were verified on oath as true copies, and deposited in the clerk's office in the county of Schuyler; and these copies, or exemplifications thereof, are from thenceforth received, accredited, and considered in all courts and places as evidence, and have the same force and effect as the original records, or exemplifications thereof, could or would have. All the county officers for Schuyler county, authorised by law to be elected, were elected at the then next general election in the state; and the officers elected thereat held their offices respectively for the term, as provided by law, for the offices to which they were elected, estimating the time from the first day of January next after their election.

The county courts and general sessions of the peace, and also the circuit courts and courts of oyer and terminer, and general jail-delivery in and for the county of Schuyler, were to be held at the court-house to be erected in the county in pursuance of the Act erecting said county; and until then these courts were to be held at such place in the county as the board of supervisors thereof, or a majority of them, should appoint in writing under their hands, which appointment should be entered on the minutes of said board at least thirty days before the time of holding said court, and the clerk of said board should immediately cause a copy of such appointment to be published in all of the newspapers printed in the county. The prisoners of the county should be confined in the jail of the county of Chemung until the jail to be erected should be furnished in such manner as in the opinion of the sheriff of the county would confine the prisoners, when it should be lawful for the sheriff to remove and commit them to the jail of the county of Schuyler, and the account of the sheriff of the county of Chemung, for the custody, maintenance, and detention of all such prisoners as might be thus committed to his charge, should be audited, levied, collected, and paid in the same manner as other contingent expenses of said county. There should be appointed in and for the county of Schuyler, in the manner provided by law, two "commissioners for loaning certain moneys of the United States" of the county of Schuyler; immediately after such commissioners should have qualified and given the bonds required by law, there should be transferred and delivered to them, and for their care and management, all the mortgages executed to, or in the custody of, such commissioners for either of the counties of Steuben, Chemung, and Tompkins, covering lands within the territory of the county of Schuyler; and thereafter the commissioners should exercise the same powers, and be subject to the same duties and responsibilities in relation to said mortgages, as if the same had been originally taken by, and executed to, them, the said commissioners of Schuyler, as such commissioners.

In 1881, all that territory comprised within the limits of the North Brothers Island, being the northerly island of the islands called the Two Brothers, in the county of Queens, with the inhabitants and estates therein, were set off from the county of Queens, annexed to, merged in,

and made part of the city and county of New York, subject to the same jurisdiction, laws, ordinances, regulations, and liabilities, and entitled to the same rights, privileges, franchises, and immunities in every respect, and to the same extent as if such island had been included within the said city and county of New York at the time of the adoption of the first charter and organisation thereof, and had so remained up to the passage of the Act effecting said annexation, except, however, that until constitutionally and legally changed, said territory should remain in, and constitute a part of, the same election district in which it had heretofore been subject to existing laws. This annexed territory was constituted a part of the 23d ward of the city of New York, subject to the laws, regulations, ordinances, and jurisdiction then in force or thereafter established.

In 1881 the boundary-line between the counties of Queens and Suffolk was (by Act) extended northwardly into Long Island Sound, at a right angle to the general trend of the coast, until it intersected the boundary-line between the States of New York and Connecticut, as then lately established by the commissioners of the said states, and confirmed by the respective legislatures thereof. The boundary-lines of the several towns in the counties of Queens and Suffolk that adjoin Long Island Sound were extended northwardly into Long Island Sound at right angles to the general trend of the coast at their several respective points, until they intersected the boundary-line between the States of New York and Connecticut, lately established and confirmed as aforesaid. The jurisdiction of the legally constituted officers of Queens and Suffolk counties, and of the respective towns of said counties bordering on Long Island Sound, was extended over the waters of said Sound to the Connecticut state line.

2. Senate Districts.

At the first session after the return of every enumeration made of the inhabitants of the state, the senate districts are so altered by the legislature that each district contains as nearly as may be an equal number of inhabitants — excluding aliens, paupers, and persons of colour not taxed. Each senate district is required at all times to consist of contiguous territory, and no county can be divided in the formation of a senate district. By the laws of 1879, chap. 206, the senate districts of the State of New York, from and after the passage of the Act, were to consist as therein stated, and to be 32 in number. The city of New York was divided into several districts, each of so many wards—the wards even being divided. The fifth senate district was to consist of the county of Richmond and the then 1st, 2d, 3d, 5th, 6th, 8th, and 14th wards, and part of the 9th ward of the city of New York.

3. Congressional Districts.

Each district is entitled to elect one member. By chap. 798 of the laws of 1873, the State of New York was divided for the election of representatives in Congress of the United States into 33 districts, each composed of so many counties or wards of cities—a ward in some cases being divided, but no county being divided. No congressional district was composed of a county with one or more city wards added.

4. Towns.

Each county is composed of so many towns, whose boundaries are clearly described in the same manner as the

boundaries of counties and states. The number of towns in each county varies; and from time to time, as existing towns are taken from or added to, or new towns are erected, the total number increases or diminishes, but the tendency is to increase. The general rules as to towns are: (1.) All lines described by courses indicated by the magnetic needle, are respectively to be taken as the magnetic needle pointed at the several times when such lines were originally established. (2.) None of the bounds or lines assigned for the limits of any town is construed to affect the right or title of any person or body politic, or to confirm the bounds or right of any patent whatsoever. (3.) Whenever two towns are separated from each other by a river, creek, or lake, the middle of the channel of such river, creek, or lake is the division-line between them, unless otherwise provided. (4.) Whenever the boundary-line between two towns crosses an island, the whole of such island is deemed to be within the town in which the greater part of it lies, unless otherwise provided.

There are upwards of 1000 towns in the State of New York.

5. Cities.

All lines which, in the bounds of the cities or wards, are described by courses indicated by the magnetic needle, are respectively to be taken as the magnetic needle pointed at the several times when such lines were originally established. None of the boundary-lines assigned for the limits of any city or ward is construed to affect the right or title of any person or body politic, or to confirm the bounds or right of any patent whatsoever. In the State of New York are presently 25 cities—viz., (1) Albany, (2) Auburn, (3) Binghampton, (4) Brooklyn, (5) Buffalo, (6) Cohoes, (7) Dunkirk, (8) Elmira, (9) Hudson, (10) Kingston, (11) Lockport, (12) Long Island City, (13) Newburgh, (14) New York, (15) Ogdensburgh, (16) Oswego, (17) Poughkeepsie, (18) Rochester, (19) Rome, (20) Schenectady, (21) Syracuse, (22) Troy, (23) Utica, (24) Watertown, (25) Yonkers.

6. General Provisions concerning the Erection and Alteration of Counties, Cities, Villages, and Towns.

1. All persons intending to apply to the legislature for the erection of a new county, or for the incorporation of a city or village, or for any alteration of the bounds of any county, city, or village, shall cause notice to be published of such intended application as required by law; and shall also procure an accurate survey and map of the territory described in such application.

2. Such survey and map shall be duly verified by the oath of the surveyor making the same, and shall be laid before the legislature before any such application shall be acted on.

3. In case any law shall be passed by the legislature pursuant to such application, the aforesaid survey and map shall be filed in the office of the surveyor-general of this state.

4. No town in this state shall be divided or altered in its bounds, nor shall any new town be erected without an application to the legislature by the inhabitants of such town so to be divided or altered, or of the several towns out of which such new town is to be erected, or some of them; and notice in writing of such intended application, subscribed by at least five persons resident and freeholders in such town or towns, shall be affixed on the outer door of the house where the next town meeting is to be held in each of the towns

to be affected thereby, at least ten days previous to the town meeting in each of these towns.

5. A copy of such notice shall also be read at the town meeting of every town to be affected thereby, to the electors there assembled, by the clerk of the town, immediately before proceeding to the election of town officers.

6. The persons applying for the division or alteration of the bounds of any town, or for the erection of a new town, shall also procure such survey and map as is required in the first section of this title, which shall be laid before the legislature and filed with the surveyor-general as above provided.

N.B.—Sections 4 and 5 have not been expressly repealed, although they are probably to be deemed superseded by subsequent Acts conferring powers upon boards of supervisors.

7. Assembly Districts.

By chap. 208 of the laws of 1879 the number of members of assembly of this state thereafter to be chosen in the several counties thereof was set forth. Each county got one member, and some counties more than one. By section 3 of said Act the supervisors of those counties which were entitled to more than one member of assembly, except in the city and county of New York, and in said city and county the board of aldermen of said city, were to meet on the third Tuesday of June then next, at the place where their meetings were last held, and to organise by appointing one of their number as chairman and another as secretary, and to proceed to divide their respective counties into so many assembly districts as they were entitled respectively to members of assembly under said Act, and thereupon make their certificates respectively, containing a description of each assembly district, specifying the number of each district and the population thereof according to the last state census. These certificates were respectively signed by a majority of the supervisors respectively, except in the city and county of New York, and in said city and county by a majority of the board of aldermen of said city; and duplicate certificates were filed in the office of the secretary of state and the office of the clerk of their respective counties.

8. Judicial Districts.

The State of New York is divided into eight judicial districts, pursuant to the fourth section of the sixth article of the constitution, arranged as follows:—

1. The city of New York.
2. The counties of Richmond, Suffolk, Queens, Kings, Westchester, Orange, Rockland, Putnam, and Dutchess.
3. The counties of Columbia, Sullivan, Ulster, Greene, Albany, Schoharie, and Rensselaer.
4. The counties of Warren, Saratoga, Washington, Essex, Franklin, St Lawrence, Clinton, Montgomery, Hamilton, Fulton, and Schenectady.
5. The counties of Onondaga, Oneida, Oswego, Herkimer, Jefferson, Lewis, and Schuyler.
6. The counties of Otsego, Delaware, Madison, Chenango, Broome, Tioga, Chemung, Tompkins, and Cortland.
7. The counties of Livingston, Wayne, Seneca, Yates, Ontario, Steuben, Monroe, and Cayuga.
8. The counties of Erie, Chautauqua, Cattaraugus, Orleans, Niagara, Genessee, Allegany, and Wyoming.

These judicial districts may be

altered by act of the legislature. By the laws of 1870, chap. 408, the state was divided into four departments—

First consists of the first judicial district.

Second consists of the second judicial district.

Third consists of the third, fourth, and sixth judicial districts.

Fourth consists of the fifth, seventh, and eighth judicial districts.

CENSUS.

By the laws of 1855, chap. 64, an enumeration of the inhabitants of this state is to be taken every tenth year after 1855. The Secretary of State appoints one or more enumerators in and for each town and ward, as the case may be, who have been residents of such ward or town at least one year before such appointment. On the 1st day of June in each census year the enumerators proceed to enumerate, truly and accurately, the inhabitants residing in the ward, town, or district for which they have been respectively appointed, by making actual inquiry at every dwelling-house, or of the head of every family residing therein, and to obtain the statistical information required by such convenient means as may be in their power. Every person whose usual place of abode is in any family on the census day is returned as of such family, and every person casually absent at the time of taking the enumeration as belonging to that place in which he usually resides. The returns, duly certified, with duplicate copies thereof carefully made and compared, and duly certified, have to be delivered to the county clerk of the county in which the enumerators reside on or before the 1st day of July thereafter. The duplicate returns filed in his office are carefully boxed, and immediately transmitted by the county clerk, by express, to the secretary of state at Albany. The secretary of state, after receiving these duplicates, prepares and reports to the legislature a general account of the enumeration, specifying the result thereof in the several towns, wards, cities, and counties of the state, with a full recapitulation of the whole. Any person being the head of a family or member thereof, above the age of twenty-one years, who refuses to give any enumerator the information required by him relative to any of the particulars which such enumerator is required to state in his returns, or wilfully gives false information, forfeits and pays a penalty of $50, to be sued for and recovered, with costs of suit, by and in the name of the supervisor of the town of such person, and to be paid over to the town superintendent for the benefit of the common schools of such town; except in New York city, where the suit is in name of the mayor, aldermen, and commonalty, and the penalty is paid over to the Board of Education for the benefit of the common schools in the city. The secretary of state appoints suitable enumerators to enumerate the Indians residing on the several reservations in the state, and who return the number of acres of land cultivated by the Indians, and such other statistics as it may be in their power to collect, and as the secretary of state prescribes in his instructions. The county clerk causes the original returns filed, carefully arranged by towns or wards, to be bound by the 1st day of January following the census, and carefully preserved among the records of his office. The compensation of the enumerators

is $3 for each day actually and necessarily employed in making the enumeration and the duplicate copy of the returns. The supervisors of the respective counties audit the accounts of the enumerators and of the county and town clerks, and the amounts are assessed, collected, and paid as part of the contingent expenses of the respective counties. But no account is allowed unless the secretary of state has notified the clerk of the board of supervisors of the receipt and acceptance of the returns for which compensation is claimed.

A state census was accordingly taken in 1855, 1865, and 1875; but the legislature having failed to make the necessary provision for the expenses no census was taken in 1885.

RIGHTS OF CITIZENS AND INHABITANTS OF THE STATE.

1. No authority can, on any pretence whatsoever, be exercised over the citizens of this state but such as is or shall be derived from and granted by the people of this state.

2. No tax, duty, aid, or imposition whatsoever, except such as may be laid by a law of the United States, can be taken or levied within this state without the grant and assent of the people of this state by their representatives in senate and assembly; and no citizen of this state can be by any means compelled to contribute to any gift, loan, tax, or other like charge, not laid or imposed by a law of the United States or by the legislature of this state.

3. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed.

4. No citizen of this state can be constrained to arm himself, or to go out of this state, or to find soldiers or men of arms, either horsemen or footmen, without the grant and assent of the people of this state, by their representatives in senate and assembly, except in the cases specially provided for by the Constitution of the United States.

5. All such inhabitants of this state, of any religious denomination whatever, as, from scruples of conscience, may be averse to bearing arms, are to be excused therefrom by paying to the state an equivalent in money; and the legislature is required to provide by law for the collection of such equivalent, to be estimated according to the expense, in time and money, of an ordinary able-bodied militiaman.

6. No soldier can, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

7. No member of this state can be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers.

8. The trial by jury, in all cases in which it has heretofore been used, is to remain inviolate for ever; and no new court can be instituted but such as shall proceed according to the course of the common law, except such courts of equity as the legislature by the constitution of this state is authorised to establish.

9. The free exercise and enjoyment of religious profession and worship without discrimination or preference is for ever to be allowed in this state to all mankind; but the liberty of conscience so secured is not to be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace or safety of this state.

10. The privilege of the writ of *habeas corpus* cannot be suspended, unless when in cases of rebellion or invasion the public safety may require its suspension.

11. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures ought not to be violated; and no warrants can issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

12. No person can be held to answer for a capital or otherwise infamous crime (except in cases of impeachment; and in cases of the militia when in actual service, and of the land and naval forces in time of war, or which this state may keep, with the consent of Congress in time of peace, and in cases of petit larceny under the regulation of the legislature), unless on presentment or indictment of a grand jury; and in every trial on impeachment or indictment the party accused is to be allowed counsel as in civil actions, or he may appear and defend in person.

13. No person can be subject for the same offence to be twice put in jeopardy of life or limb; nor can he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor can private property be taken for public use, without just compensation.

14. In all criminal prosecutions the accused has a right to a speedy and public trial by an impartial jury, and is entitled to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; and to have compulsory process for obtaining witnesses in his favour.

15. Neither justice nor right should be sold to any person, nor denied, nor deferred; and writs and process ought to be granted freely and without delay to all persons requiring the same on payment of the fees established by law.

16. No citizen of this state ought to be fined or amerced without reasonable cause, and such fine or amercement should always be proportioned to the nature of the offence.

17. Excessive bail ought not to be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

18. All elections ought to be free; and no person, by force of arms, malice, menacing, or otherwise, should presume to disturb or hinder any citizen of this state in the free exercise of the right of suffrage.

19. It is the right of the citizens of this state to petition the governor or either house of the legislature; and all commitments and prosecutions for such petitioning are illegal.

20. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law can be passed to restrain or abridge the liberty of speech or of the press.

21. In all prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party is to be acquitted; and the jury have the right to determine the law and the fact.

By chap. 186 of the laws of 1873, no citizen shall, by reason of race, colour, or previous condition of servitude, be excepted or excluded from the full and equal enjoyment of any accommodation, advantage, facility, or privilege furnished by innkeepers, by common carriers, whether on land or water, by licensed owners,

managers, or lessees of theatres or other places of amusement, by trustees, commissioners, superintendents, teachers, and other officers of common schools and public institutions of learning, and by cemetery associations. Parties convicted of a violation of any part of this provision are guilty of a misdemeanour, and subjected to a fine of from $50 to $500. Discrimination against any citizen, on account of colour, by the use of the word "white," or any other term, in any law, statute, ordinance, or regulation then existing in the state, was repealed and annulled.

By chap. 212 of the laws of 1878, as amended by laws of 1879, chap. 417, it shall not be lawful for the authorities of any county, city, or village to impose upon the inhabitants of any other county, city, or village within the state, carrying on or desiring to carry on any lawful trade, business, or calling within the limits thereof, any restriction or condition whatever, except such as may be necessary for the proper regulation of such trade, business, or calling, and such as apply equally and impartially to the citizens of all parts of the state alike, and all ordinances in violation of the provisions of this Act are thereby declared to be null and void. But these provisions do not apply to the ordinances or regulations of any county, city, or village in this state in reference to travelling circuses, shows, and exhibitions.

Laws of 1880, chap. 298. Any citizen of this state, being the owner and holder of any valid claim against any of the United States, arising upon a written obligation to pay money, made, executed, and delivered by such state, which obligation is past due and unpaid, may assign the same to the State of New York, and deliver the assignment thereof to the attorney-general of the state. This assignment must be in writing, and duly acknowledged and certified. Every such assignment shall contain a guaranty on the part of the assignor, approved by the attorney-general, of the expenses of the collection of such claim, and it is the duty of the attorney-general, on receiving such assignment, to require, on behalf of such assignor, such security for said guaranty as he shall deem adequate. He then prosecutes to final judgment, &c.; and delivers to the treasurer of the state, for the use of the assignor, all moneys collected upon the claim, first deducting all expenses, and the treasurer honours the attorney-general's cheque or draft to the order of the assignor or his legal representatives upon proof of his or their identity.

Laws of 1881, chap. 400. No person shall be denied the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of all hotels, inns, taverns, restaurants, public conveyances on land or water, theatres and other places of public resort or amusement, because of race, creed, or colour. Offenders against this provision are, for every such offence, deemed guilty of a misdemeanour, and punished accordingly.

INDIANS WITHIN THE STATE.

As is customary for state legislatures to do, the State of New York, by passing state laws in similar terms, has adopted the several United States statutes relating to Indians within the State of New York. In 1875, it was enacted that, if within ninety days after the passage of the Act, the trustees of "the Thomas Asylum for Orphan and Destitute In-

dian Children," a corporation created by chap. 233 of the laws of 1855, should transfer and convey to the people of the State of New York all of the property of said corporation, the management and control of the asylum should be assumed and continued by ten managers on the part of the state, who should serve without pay, and whose term of office should be six years, subject to removal at any time by the governor for cause shown; and all vacancies caused by removal, expiration of term of office, or otherwise, should be filled by the governor, by and with the advice and consent of the senate. The managers, on application, receive destitute and orphan children from each of the several reservations located within the state, and furnish them such care, moral training, and education, and such instruction in husbandry and the arts of civilisation as they prescribe by their rules and by-laws. The asylum is at all times subject to the visitation, supervision, and control of the state board of charities; and the managers annually, on or before the fifteenth day of January, report to the legislature the condition of the asylum, including a true account in detail of the receipt and disbursement of all moneys that come into their hands, the number, age, and sex of the destitute and orphan Indian children in the asylum, with the name and reservation to which they belong, and portion of the year each has been maintained and instructed in the asylum. There is annually allowed and appropriated the sum of $8500 for the support and maintenance, at the rate of $85 *per capita* per annum for each child maintained and educated.

The male members of the St Regis tribe, over twenty-one years of age, met, according to an Act of 1875, on their reservation in the county of Franklin, and elected three trustees and a clerk for their tribe, the trustees to hold office for one, two, and three years, to be decided by lot, the clerk for one year; and from that time the said electors meet annually, on the first Tuesday of June, and elect one trustee, who holds his office for three years, and a clerk, who holds his office for one year. The trustees have charge of the timber and stone on the unoccupied lands of their reservation, and may prosecute, with the consent of the attorney for the tribe, in the name of the tribe, by giving satisfactory security for costs to the court in which they prosecute, any person or persons, other than Indians, for any trespass on their reservation by cutting or removing timber, or removing any stone therefrom, and such offenders, other than Indians, forfeit and pay three times the value of any such property cut or taken away. It is not lawful for Indians to cut or dispose of any timber or stone on the reservation except for their own use, and any Indian violating this provision may be prosecuted in like manner as if he were not an Indian; any person buying or receiving any timber, wood, or stone taken from the reservation without the written consent of the trustees, or the majority of them, and the attorney for the tribe, forfeits twice the value thereof, to be recovered by suit in like manner before stated. Moneys so recovered, and received from any other source, by the trustees or other parties belonging to the tribe, are paid to the attorney for paying their annuities; and after paying all legal charges of the prosecution, the balance is apportioned and divided among the individual members of the tribe, in like manner as the annuity. The attorney pays to each trustee $10 per annum, for services as trustee, out of any money in his hands belonging to the tribe, and no other

compensation is allowed or retained by them for services as trustees.

The county clerk of Cattaraugus county may make and certify to copies of the surveys and maps of the Allegany reservation as made by United States commissioners and on file in his office, or any part or portion thereof, or of either of said maps, or of any lot, lease, part, or portion thereof, and such copy so certified is received in evidence in any matter, action, or proceeding in which the original might be admitted in evidence upon being duly proved. He is not subject to subpœna to produce any map or any certificate thereto, nor is he required to remove the same from the clerk's office of the county. The male Seneca Indians of the age of twenty-one years and upwards residing upon the Complanter reservation in the New York Indian reservation have the right to vote at any annual or special election of officers of the Seneca nation of Indians, and to hold office under the constitution of the Seneca nation, the same as if actually residing upon the Allegany reservation.

By the laws of 1881, chap. 188, those parts of the Allegany Indian reservation included in the villages of Vandalia, Carrollton, Great Valley, Salamanca, West Salamanca, and Red House, as surveyed, located, and established by United States commissioners, were constituted parts of the several towns within which they were located, and all the general laws of the state were extended over and should apply to the same. Provided that nothing should be construed to authorise the taxation of any Indian, or the property of any Indian not a citizen of the United States, all acts of commissioners of highways or other town officers of the towns in which these villages were located, concerning the lands or roads therein; all proceedings incorporating villages on said lands, or of the officers of such villages concerning the same, or under acts of incorporation; all proceedings forming school districts within such villages; and all acts or proceedings of school officers in such districts, theretofore done or performed, which would have been legal if such villages or the land included therein had not constituted a part of said reservation, —were thereby ratified, legalised, and confirmed. Land in said villages held by or under lease from the Seneca nation, which the holders were entitled to have renewed, should be for all purposes considered a freehold estate, and the owners of such leases freeholders, and the rights of dower and tenant by courtesy should attach thereto, and should, upon the death of any person owning the same without having devised it, descend in the same manner as a freehold of inheritance, and should for that purpose be treated as real estate: provided, however, that the rights of Indians in such leases should descend as provided by the laws of the Seneca nation.

By the laws of 1881, chap. 355, the highway laws of the State of New York were extended over the Indian reservations located therein, and commissioners of highways of towns in which any Indian reservation was located in whole or in part might, by and with the consent of the national or tribal authorities of the tribe or nation occupying such reservation, lay out and establish, in the manner provided by law, highways on or across such reservation, and the highway commissioner of such town should thereafter be charged with maintenance of such road and the bridges thereon. But nothing should be construed to authorise the taxation of any Indian, or the property of any Indian not a citizen of the United States.

PUBLIC OFFICERS.

Under the constitution and laws of the state existing at 1st January 1882 the public officers, omitting military officers, officers of state asylums, officers created by city and village charters, and other officers of a purely local character, were the following:—

LEGISLATIVE OFFICERS.

32 senators.

128 members of the assembly.

A clerk, a sergeant-at-arms, a doorkeeper, and other subordinate officers for each house of the legislature, as fixed by statute.

EXECUTIVE OFFICERS.

Governor.
Lieutenant-governor.
Secretary of state.
Comptroller.
Treasurer.
Attorney-general.
State engineer and surveyor.
} One or more deputies for each.

A private secretary for the governor, and clerks, stenographers, and messengers in the executive chamber.

JUDICIAL OFFICERS.

Court of appeals—
- Chief judge.
- 6 associate judges.
- Clerk and deputy clerk, reporter (state reporter).

Supreme court—
- 4 justices in *each* of the third, fourth, fifth, sixth, seventh, and eighth judicial districts.
- 5 justices in *each* of the first and second judicial districts.
- A reporter (supreme court reporter). The clerks of the several counties are *ex officio* clerks of the supreme court and county court.

County judges—
- One in each of the 56 counties.
- *Special county judge* in each of the counties of Cayuga, Chautauqua, Chenango, Jefferson, Monroe, Oneida, Orange, Oswego, St Lawrence, Sullivan, Tioga, Tompkins, and Washington.

Surrogates—
- One for each county having a population exceeding 40,000, in which the board of supervisors, at any meeting of such board, may, by resolution, provide for the election of such officer, other than the county judge.
- *Special surrogate* in each of the counties of Cayuga, Chautauqua, Jefferson, Oneida, Orange, Oswego, St Lawrence, Sullivan, Washington.

Justices of sessions—
- 2 in each county, except the city and county of New York, selected from the justices of the peace.

Superior court of the city of New York—
- 6 judges.
- A clerk.

Court of common pleas for the city and county of New York—
- 6 judges.
- A clerk.

Superior court of Buffalo—
- 3 judges.
- A clerk.

City court of Brooklyn—
- 3 judges.
- A clerk.

City court of Yonkers—
- Judge.
- Clerk.

Marine court of the city of New York—
- 6 justices.
- A clerk.

City judges, New York—
- A city judge.
- A judge of the court of general sessions of the city and county of New York.

County officers—
In each county a clerk, a sheriff, a district attorney, and four coroners (by special statutes there are in some counties more, and in some less, than four coroners).
Register, &c., New York county—
A register.
A deputy register.
Clerk of oyer and terminer, &c.
A clerk of the court of oyer and terminer and general sessions for the same county.
Register, &c., for Kings county—
A register.
A deputy register.
Register, &c., for Westchester county—
A register.
A deputy register.
Recorders—
Recorders in the several cities.
Justices, New York—
A justice in each of the 10 judicial districts in the city of New York, to hold the district court in said district.
A clerk of each of the district courts.
Justices, Albany—
3 justices of the justices' court of the city of Albany.
A clerk of said court.
Justices, Troy—
3 justices of the justices' court of the city of Troy.
Justices of the peace—
4 justices of the peace for *each* town. (By special statutes some towns have a different number.)
Commissioners of deeds—
So many commissioners to take the proof and acknowledgment of deeds and to perform certain other duties, denominated "commissioners of deeds," for each of the cities in this state, as the common councils to the several cities, except the city of New York, on or before the 1st day of January 1851, and at the end of every two years thereafter by resolution of the board determine, to be appointed in and for said cities respectively.
Commissioners of deeds for the city and county of New York.
300 commissioners of deeds.
Notaries public—
By the laws of 1883, chap. 508, no more notaries public should be appointed in any county, except in the county of Kings, the city of Buffalo, and the city and county of New York, than one for every 2000 of population residing in said county, as shown by the census taken in the state next preceding any appointment thereafter to be made. In 1864 the governor of the state was authorised to appoint an additional number in each county, including the city of New York, equal to the number of banks located therein, on the application of each bank. In 1867 the governor was empowered, by and with the advice and consent of the senate, to appoint in and for the city and county of New York 100 notaries public, and in each assembly district of the state other than the county of New York, 2 additional notaries public, in addition to the number then provided by law. Since then there have been numerous increases to the number of those in the city and county of New York, and in each assembly district. In 1876, the increase was "in each county except the city and county of New York, notaries public equal to 10 for each assembly district, and in the said city and county, 250 notaries public, in addition to the number now allowed by law; provided, however, that in each county which is a single

assembly district, the additional number of notaries public be 15." A notary holds office for two years.

Counsellors, &c.—

So many counsellors and attorneys as shall from time to time be admitted to practise by the supreme court. The total number of practising lawyers in the state is enormous.

ADMINISTRATIVE OFFICERS.

Public works—

A superintendent.

3 assistant superintendents.

Canal officers—

3 canal appraisers.

So many superintendents of canal repairs as the canal board shall from time to time appoint.

Auditor.

Deputy auditor.

Banks—

Superintendent, Deputy superintendent } Of the banking department.

Insurance—

Superintendent, Deputy superintendent } Of the insurance department.

Public instruction—

Superintendent.

Deputy superintendent.

Mayors—

A mayor of each city in the state.

County treasurers—

A county treasurer for each county, except the city and county of New York.

State assessors—

3 state assessors.

United States loan commissioners—

2 commissioners for loaning certain moneys of the United States in each county. (In 1832 the duties of "loan officers" were charged upon "loan commissioners" in each county. In 1837 the office of commissioner for loaning moneys of the United States deposit still existing was created. In 1850 provision was made for the final settlement of the loans under charge of the "loan commissioners," and the abolition of the office.)

State prison officers—

A superintendent.

To each of the state prisons an agent, a warden, a keeper, a clerk, a chaplain, a physician and surgeon, and so many keepers, not exceeding the proportion of 1 to 20 convicts, as the inspectors (superintendent) may deem it expedient to employ.

2 instructors for each of the prisons at Sing Sing and Auburn, and 1 for the Clinton state prison.

An instructress for the female convict prison at Sing Sing.

Regents—

19 regents of the university, in addition to those who are regents *ex officio*.

Miscellaneous—

An inspector of public works.

A state commissioner of lunacy.

State commissioners of charities.

5 commissioners of fisheries.

A state inspector of gas-meters.

3 quarantine commissioners.

Commissioners of the state survey.

A superintendent of the Adirondack survey.

6 commissioners of emigration.

Superintendents of the poor in each county except Albany, Kings, New York, and Putnam.

School commissioners in each county.

A superintendent of the Onandaga salt-springs.

(The office of superintendent of salt-springs at Montezuma, and of inspector of salt in the county of Onondaga, abolished in 1846.)

A captain of the port of New York.

Harbour-masters—
A harbour-master for the port of Albany.
11 harbour-masters for the port of New York, 9 of whom shall reside in the city of New York and 2 in the city of Brooklyn.

Port wardens—
9 wardens of the port of New York.
2 special wardens to reside at the quarantine ground.

Health officers—
A health officer
A resident physician
A health commissioner
} For the city and county of New York.
A health officer of every city, incorporated village, and town.

Bank directors—
So many directors of incorporated banks as the state may be authorised, by the acts of incorporation, to appoint.

Wreck-masters—
15 wreck-masters in the county of Suffolk.
12 in the county of Queens.
3 in the county of Kings.
2 in the county of Richmond.
2 in the county of Westchester.

Sealers of weights—
A superintendent of weights and measures for this state.
A county sealer of weights and measures of each county.
A town sealer of weights and measures of each town.

Inspectors of turnpikes—
Not less than 3 nor more than 5 commissioners to inspect turnpike roads in each county in this state, in which there shall be a turnpike road whose Act of incorporation contains no provision for the appointment of special inspectors of said road.

Superintendent of Indians—
An agent for the Onondaga tribe of Indians.
(This office existed at the adoption of the Revised Statutes, was abrogated in 1841, and re-established in 1843. His salary was fixed in 1851 at $100).
A superintendent of the Brothertown Indians.
An attorney of the Seneca nation of Indians.

Receiver for pier, Sag Harbour—
A receiver of the profits of the state pier at Sag Harbour.

Surrogates, supreme court commissioners, commissioners of deeds, and justices in cities, are local officers, and each officer is confined in the execution of his duties to the district or county for which he is appointed. Justices of the peace must reside in the town for which they were chosen, and shall not try a civil cause in any other town, except in cases otherwise provided for by law. With some modifications, notaries public must reside in the respective cities or counties for which they are appointed, but may exercise the duties of their office at any place within the state. Sheriffs, clerks of counties, coroners, district attorneys, marshals of cities, the clerk of the court of oyer and terminer and general sessions in New York, the register and clerk of that city, police justices and assistant justices in that city, and their clerks, are so far local as to require the residence of every person holding such office within the county or city in which the duties of his office are required by law to be executed. Every officer included in the class of administrative officers is confined in the execution of his duties to the district, county, city, town, or village for which he is appointed, except where otherwise provided by law.

No person is capable of holding a civil office who, at the time of his election or appointment, has not

attained the age of twenty-one years, and is not then a citizen of this state.

No person elected to the common council of any of the cities in the state shall, during his term of office, be appointed to any office of profit in the gift of such common council: but this does not extend to any officers whose appointment is by the constitution vested in the common council of any city.

All officers elected by the people, unless elected to supply vacancies then existing, enter on the duties of their respective offices on the first day of January following their respective elections.

Every officer, the mode of whose appointment is not prescribed by the constitution, or is not prescribed by law, is nominated by the governor, and appointed by him with consent of the senate.

All assistants, deputies, and other subordinate officers of every description whose appointment is not specially provided for, are appointed by the body, board, or officer to which or to whom they are respectively subordinate.

Where the number of such subordinate officers is not directed by law, it is limited at the discretion of the appointing power.

In all cases not otherwise provided for, each deputy possesses the powers and performs the duties attached by law to the office of his principal, during a vacancy in such office, and during the absence of his principal.

Every office, of which the duration is not prescribed by the constitution or is not declared by law, is held during the pleasure of the authority making the appointment.

Every officer duly appointed, except the justices of the supreme court and circuit judges, who has duly entered on the duties of his office, continues to discharge the duties thereof, although his term of office has expired, until his successor is duly qualified.

Sheriffs and clerks of counties, including the register and clerk of the city and county of New York, in like manner continue to discharge the duties of their offices until their respective successors are duly qualified.

ELECTIONS

OTHER THAN FOR MILITIA AND TOWN OFFICERS.

No person who has been convicted of bribery, or of any infamous crime deemed by the laws of this state a felony, at any time previous to an election, is permitted to vote thereat, unless he has been pardoned before or after his term of imprisonment has expired, and restored by pardon to all the rights of a citizen; nor is a person permitted to vote who makes any bet or wager, or is directly or indirectly interested in any bet or wager depending upon the result of any election at which he offers to vote. In time of war, every elector of the state in the actual military service of the United States, in the Army or Navy thereof, who is absent from the state on the day of election, is entitled to vote at any general or special election held in the state in this manner:—He, by an instrument executed by him not more than sixty days previous to such election, authorises and empowers any elector of the town or city where he resides, on the day of the election, to cast for him his vote or ballot, in the manner prescribed by chap. 253 of the laws of 1864, for all officers for whom he would have a right to vote if he were present at such election. This instru-

ment is signed by the absent elector, attested by a subscribing witness, and sworn to before any field-officer, captain, adjutant, or commandant of any company or detachment on detached service in the service of the United States, and commissioned as officers in the volunteer force of the state, or the captain or commandant of any vessel in the naval service of the United States to which the said absent elector may belong or be attached; and such officers are authorised to administer oaths for the purposes of said Act, and they attach to their signatures their official designations. The elector prepares and folds the ballot or ballots he designs to cast at such election and encloses the same, together with the instrument referred to, in an envelope duly sealed, having on the outside thereof, either written or printed, the affidavit, the form of which is given in the Act, sworn to and duly subscribed. This envelope, prepared as stated, is enclosed by him in another envelope marked "soldier's vote," sealed and directed to the elector empowered by the said instrument to cast the ballot; and it may be transmitted by mail, or otherwise, to the person to whom it is addressed. The affidavit mentioned is a combination of the two oaths as to residence and betting, &c., administered to persons offering to vote and challenged, with an additional statement as to his military position, &c. The elector who receives this letter from the absent elector may open the outer, but shall not open the inner envelope thereof. On the day of the election he delivers the inner envelope to the inspectors of elections of the proper election district at the polls thereof; and if the name of the person signing the affidavit on the outside of the envelope is found entered upon the register of electors as a duly qualified voter, the envelope is by the inspectors publicly opened, and the vote or ballots contained in it duly deposited in the appropriate boxes; and the name of the absent elector is entered upon the poll-lists, together with the name of the person delivering the ballot at the polls. If such name be not found entered upon the register of electors, the envelope is not opened unless an affidavit is made by a householder of the district to the effect that he knows that the person whose vote is so offered is a resident of the district. If such affidavit be made and delivered to the inspectors, they open the envelope and deposit the votes or ballots therein and proceed as described. Ballots contained in an envelope opened before delivery to the inspectors, or unsealed, are rejected. The affidavits and instruments described, and all envelopes containing "soldiers' votes" not opened at such election, are kept and filed by the inspectors in the same manner and place as the poll-lists are required by law to be kept and filed. Every person entitled to receive any letter or envelope marked as described, before taking away the same, signs and delivers to the postmaster a receipt therefor, which specifies how many such letters or envelopes he has received, and otherwise, as far as may be, specifies the particulars of the description thereof; and any wilful omission to do this is a misdemeanour punishable, on conviction, accordingly. The secretary of state is required to provide the necessary blank forms and envelopes, and, at least two months previous to any general or special election, to forward a sufficient number of them to the several regiments in the field, and to the several hospitals, posts, and naval stations.

Any person residing on the lands of any nation or tribe of Indians in the state, being a qualified voter, is entitled to vote in the election dis-

trict nearest his place of residence in the same town at any election held therein whether such Indian lands are included in the said election district or not, and such persons have the same right to register his or their names as voters, and possess the same right to vote in such adjoining district as if actually residing therein.

Whenever an election is held in any city or town pursuant to law, no suit shall be commenced or civil process or proceeding be served on any citizen entitled to vote in said city or town on the day on which such election is held. No court is opened or transacts business in any city or town on such election day unless to receive a verdict or to discharge a jury. But this does not prevent the exercise of the jurisdiction of any single magistrate when it is necessary in criminal cases to preserve the peace or to arrest criminals.

The following provisions apply to all town meetings held in the several towns of the state as well as to the elections named already :—

General elections are such as are held at the same time in every county for the election of all or of some of the following officers—viz., governor, lieutenant-governor, judges of the court of appeals, justices of the supreme court, clerk for the court of appeals, secretary of state, comptroller, state treasurer, attorney-general, state engineer and surveyor, canal commissioners, inspectors of state prisons, district attorneys, county judges, senators, members of assembly, sheriffs, clerks of counties, coroners, representatives in Congress, and electors of President and Vice-President. The register and clerk of the city and county of New York are chosen at a general election. Special elections are such as are held only in a particular district or county at a time when no general election is held, for the choice of one or more officers proper to be chosen at a general election. General elections are held on the Tuesday succeeding the first Monday of November in each year, special elections at the times and places of which legal notice have been given ; but no special election shall be held within forty days previously to a general election. Both general and special elections are held for one day only. Special elections are ordered by the board of canvassers having power to determine on the election of officers, except governor, lieutenant-governor, and electors of President and Vice-President, who have not been chosen at a general election by reason of two or more candidates having received an equal number of votes for the same office ; and in all cases by the governor, who issues his proclamation therefor ; and such election must be held not less than twenty nor more than forty days from the date of the proclamation. The elections in the several cities and towns are by election districts. The notice of the canvassers, if ordered by the state canvassers, is signed by the secretary of state ; and, if ordered by the county canvassers, by the chairman or clerk of the board.

The several cities of the state are divided by the common council thereof respectively into convenient election districts for the holding of all general and special elections, and all elections of the officers of such cities who are elective by the people. Every ward in the city containing not more than 500 voters is an election district; every ward containing more than 500 voters, and not more than 800 voters may, on or before the first Monday in October in each year, be divided by the common council of such city, if they deem it expedient, into two districts to contain as near as may be an equal number of voters ; and every ward of a city containing more than

800 voters shall, on or before the first Monday in October, as often annually as may be necessary or expedient, be divided by the common council into two or more districts in such manner as shall be entire within one ward, and shall contain as near as may be an equal number of voters; and no district shall contain more than 800 voters. Whenever a ward is divided, the common council immediately publish the same by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk of such city, and also by posting up copies of such map in at least ten of the most public places in each district of such ward; and the common council also, prior to every election, furnish copies of such map and description to the inspectors of election in each district of such ward. Until inspectors of election shall by law be chosen and appointed at the charter election of any city, the common council of such city, at least ten days before every general election, appoint three inspectors of election for each election district in the city, who must be qualified voters and resident in such districts, and are inspectors, also, of all special elections held in such city during the ensuing year. Two of them may act, and in case of the death or inability of either of them, the common council may thereafter appoint another in his place. The sheriff or clerk of the county who receives a notice of an election, delivers, without delay, a copy of such notice to the board of supervisors, and each supervisor, of said county; and he also causes a copy of the notice to be published, once in each week until the election therein specified, in such newspapers in said county, not exceeding fifteen in number, having the largest circulation in the city and the county.

The supervisor, assessors, and town-clerk of each town meet in the town-clerk's office on the first Monday of October in each year, at 10 A.M., and form a board. They determine whether any alteration in the existing election districts be necessary or expedient, and shall in all cases, where the town contains more than 500 electors, divide it into a convenient number of election districts, so that each district shall be in a compact form within their town, and shall contain not more than 500 electors as far as the number can be ascertained. But where any town contains less than 500 electors, the board may, in their discretion, divide the same into districts. They make a certificate of such division under their hands, in which the districts are numbered and described by known boundaries, which is immediately filed in the office of the town-clerk. No alteration of existing districts takes effect until after the then next general election, except in case of the alteration, erection, or division of a town, or except such alteration of districts does not affect any inhabited territory in a town, in which cases it takes effect immediately. The town-clerk, at least two weeks before the day of election, puts up copies of the said certificate in at least four public places in each of the districts within ten days after said meeting, and delivers a copy thereof to an inspector in each district before the day of election.

When any new town is formed, the supervisor, town-clerk, and assessors therein meet at the town-clerk's office on or before the first Tuesday in September preceding the first general election to be held in such town, and divide the same into districts, and proceed in the manner described.

The common council of each city, and the said town officers of each town, on the first Monday in Sep-

tember in each year, designate the place in each election district in the city or town at which elections shall be held during the year; and they thereupon give notice, written or printed, posted in at least eight public places in each district, containing a description of the place so designated, and of the time of opening and closing the poll. At each town meeting held in the several towns, and at each charter election held in the several cities which are not organised into towns, the electors of such city or town are entitled to vote by ballot on the same ticket with other town or charter officers for two electors, residing in each election district of such town or city, to be inspectors of election for such city or town, and the two persons in each district receiving the greatest number of votes are the two inspectors of election for such district at all elections to be held therein the ensuing year. The presiding officers of such town meeting or charter election, immediately after the votes have been canvassed, appoint by writing, subscribed by a majority of said presiding officers, another inspector of elections for each election district, to be associated with the other two, and to be one of the inspectors of election of the district. This third inspector is selected from the two persons in such election district who have the highest number of votes next to the two inspectors elected; and no ballot for inspectors is counted upon which more than two names are contained. Should any inspector not be so chosen or appointed, or any be absent, or have ceased to be a resident of the district, or unable to attend and hold any election, the supervisor, town-clerk, and justices of peace in such town meet at the time and place appointed by the supervisor, whom failing, by the town-clerk, and designate and appoint so many electors of such election district as are necessary to supply such vacancy to be inspectors, and file a certificate of such appointment in the office of the town-clerk, and the persons thus appointed are inspectors of such election for such district. Vacancies in the office of inspector of election in any city are filled by the common council of such city. Every town or ward not divided into election districts constitutes and is an election district in itself.

The inspectors of each election district meet at the time and place when and where an election is appointed to be held therein, and organise themselves as a board for the purpose of presiding at and conducting such election. One of their number is appointed chairman, who administers to the others the oath of office as prescribed by the constitution, and then one of the other inspectors administers the same oath to the chairman. The two elected inspectors, being sworn, appoint a clerk, and the appointed inspector, also being sworn, appoints another clerk, to be called clerks of the poll, who each take the constitutional oath, administered by the chairman of the board. The poll of each election is then opened, and proclamation thereof made, and of the time when the same will be closed. The poll in the several cities, and county of Westchester, is opened at sunrise, and in the several towns in all other counties at any time between sunrise and nine o'clock in the morning, and kept open till the setting of the sun.

The electors vote by ballot, delivered to one of the inspectors in presence of the board. If any person offering to vote is challenged in relation to his right to vote by an inspector, or by any other person entitled to vote at the same poll,

one of the inspectors tenders to him the following preliminary oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." The inspectors then question him as to his qualifications as a resident of the town or ward, citizenship, and right to vote under the state constitution, and at that poll. If any person refuse to take the preliminary oath, or to answer fully the questions put to him, his vote is rejected. After receiving his answers, the board of inspectors point out to the person challenged the qualification, if any, in respect to which he appears to them deficient; and if he persist in his claim to vote, and the challenge be not withdrawn, one of the inspectors then administers to him the following oath: "You do swear (or affirm, as the case may be) that you have been a citizen of the United States for ten days, and are now of the age of twenty-one years; that you have been an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district; and that you have not voted at this election." If the person is challenged for causes stated in sec. 2 of article ii. of the constitution of the state, the following additional oath is administered: "You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered, or promised to pay, contributed or offered or promised to contribute to another to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made any bet or wager, and are not, directly or indirectly, interested in any bet or wager depending upon the result of this election." If the person is challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath is administered: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or, if so convicted, that you have been pardoned and restored to all the rights of a citizen." Any person refusing to take the oath so tendered, his vote is rejected. The inspectors keep a minute of their proceedings in respect to the challenging and administering oaths, in which shall be entered the name of every person who has taken the oaths, or either of them, specifying in each case whether the preliminary oath or the general oath, or both of them, were taken: which minute and statement shall be certified by the inspectors, and returned by them to the office at which their return of votes given at such election is made, and at the same time, and shall there be filed. The inspectors also direct the clerks of the polls to designate by some appropriate mark, opposite to his name, every person on said list who shall have taken said oaths or either of them. Any person who, having been convicted of bribery or any infamous crime, votes at any election, unless he has been pardoned and restored to all the rights of a citizen, is deemed guilty of a misdemeanour, and, on conviction thereof, is imprisoned in the county jail for the term of six months.

At each annual and special election, the inspectors provide and keep boxes in which all ballots required to be indorsed, as directed by law, respectively "state," "judiciary," "county," "city and county," "as-

sembly," "senate," "Congress," &c., shall respectively be deposited; and when electors of President and Vice-President are to be chosen, or amendments of the constitution proposed, separate boxes in like manner for the respective ballots. The voters' ballot, unopened, is deposited in the proper box by an inspector, and each clerk of the poll keeps a poll-list which contains one column headed "names of voters," and so many additional columns as there are boxes kept at the election; the heading of each additional column corresponding with the name of one of the boxes so kept. The name of each elector voting is entered by each clerk under the "names of voters" in his list, and when there is more than one box kept, opposite such name is written "1" in each remaining column of such poll-list, corresponding with the name of a box in which a ballot of the elector has been deposited. It is the duty of each inspector to challenge any person offering to vote whom he knows or suspects not to be duly qualified as an elector; and if he knowingly and wilfully permits a person to vote who is not entitled to vote, he is guilty of a misdemeanour, and on conviction has to pay a fine of $500 and be imprisoned in the county jail for six months. The board of inspectors have ample powers to maintain order at the polls, and during the canvass and estimate of votes after the closing of the poll, and may appoint one or more electors to communicate their orders and directions, and to assist in maintaining order, &c. If any person refuses to obey the lawful command of the inspectors, or, by disorderly conduct in their presence or hearing, interrupt or disturb their proceedings, they make an order directing the sheriff or any constable of the county to take the offender into custody and detain him until the final canvass of the votes shall be completed; but such order does not prohibit such person from voting at such election. Such order is executed by any sheriff or constable to whom it is delivered; or if none be present, by any other person deputed by such board in writing. At any annual, state, or city election, any of the inspectors may take the affidavit required by law of persons offering to vote whose names are not on the register of voters, and upon request certify the same.

As soon as the poll of an election is closed, the inspectors, in their several districts, proceed to canvass the votes in public, and do not adjourn or postpone it until it has been fully completed. The canvass commences by a comparison of the poll-lists from the commencement, and a correction of mistakes found therein. Each box being opened in the order prescribed by law, the ballots contained therein are taken out and counted unopened, except so far as to ascertain that each ballot is single; and if two ballots are found so folded together as to present the appearance of a single ballot, they are destroyed if the whole number of ballots exceed the whole number of votes, and not otherwise. No ballot properly indorsed, found in a box different from that designated by its indorsement, is rejected, but is counted in the same manner as if found in its proper box, provided that, by the counting of such ballot or ballots, it shall not produce an excess of votes over the number of voters as designated on the poll-list. The board then proceeds to canvass and estimate the votes. If it is found that the whole number of ballots exceeds the whole number of voters entered on the poll-lists, the inspectors return all the ballots into the box and thoroughly mingle them; and one of the inspectors, designated by the board, pub-

licly draws out of the box, without seeing the ballots contained therein, so many ballots as are equal to the excess, which are forthwith destroyed. The canvass is completed by ascertaining how many ballots of the same kind, corresponding in respect to the names of persons thereon and the offices for which they are designated, have been received; and the result being found at the completion of the canvass of each box, the chairman of the inspectors makes public oral proclamation of the whole number of votes in such box, and of the whole number given for each person, with the name of the office to which such person was named in the ballots. The school officers elected in each ward of the city of New York are upon a separate ballot. The several boxes are numbered and labelled in this order — (1) electors, (2) state officers, (3) senate, (4) assembly, (5) judiciary, (6) members of Congress, (7) county and city of New York officers, (8) town and charter officers, (9) state and county judicial officers, (10) police and civil officers, (11) school officers. The inspectors securely attach to a statement of such canvass one ballot of each kind found to have been given for the officers to be chosen at such election, any or either of them, except those given for electors of President or Vice-President; and they state in words at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it is attached, the whole number of all the ballots that were received corresponding with the one so attached, so that one of each kind of the ballots shall be attached to such statement, with a statement of such canvass. They also attach to such paper the original ballots rejected by them as being defective, which were given at such election. When electors of President and Vice-President are elected, the inspectors make a separate canvass and statement, and, the result being found, securely attach to paper one original ballot of each kind found to have been given for electors, and state, in words written as described, the whole number of corresponding ballots received; and all original ballots rejected by them as defective are also attached to said paper. The statements made by the inspectors contain a caption, and are in the form, and certified and subscribed, as directed by law. A true copy of the several statements made by the inspectors is made and certified by them, and immediately filed by them in the office of the clerk of the town or city. The poll-lists are filed by the inspectors in the office of the town or city in which the election was held, and are there preserved. The remaining ballots not so pasted or preserved are destroyed, and the board of inspectors is dissolved. The original statements, duly certified, are delivered by the inspectors to the supervisor of the town or ward within twenty-four hours after the same have been subscribed. If there be no supervisor, or he be disabled from attending the board of county canvassers, the original statements are delivered to one of the assessors of the town or ward in which the election was held.

The supervisors or assessors, to whom the original statements of the canvass of votes in the towns or wards to which they respectively belong have been delivered, form the county board of canvassers. They meet at the office of the county clerk on the Tuesday next following the election at 1 P.M., in all the counties of the state except the county of Hamilton, which meets on the first Friday next following said election, and choose one of their number as chairman. The clerk of the county, or in his absence his deputy, is secre-

tary of the board. The oath is administered as in the case of inspectors. The major part of the supervisors or assessors, to whom the original statements have been delivered as stated, is a sufficient number to constitute a board. After the original statements have been produced, the board proceeds to estimate from them the votes of the county, and makes such statements thereof as the nature of the election requires; and these statements are then delivered to and deposited with the county clerk. A separate statement is made, containing the whole number of votes given in the county for the office of governor, lieutenant-governor, judge of the court of appeals, &c., &c., in each district, or any or either of them; the names of the persons for whom such votes were given, and the number of votes given for each; another of the votes given for all county officers, any or either of them; another of the votes given for members of assembly in each assembly district; and another of the votes for electors of President and Vice-President; and another of the votes given for any proposed amendment to the constitution. Each statement is certified as correct, and attested by the signatures of the chairman and secretary of the board; and a copy of each, thus certified and attested, is delivered to the county clerk to be recorded in his office. Upon the statement of voters given for members of assembly and county officers, the board proceeds to determine what persons have by the greatest number of votes been duly elected to each of the offices mentioned in each statement. A copy of every such determination, and of the statement upon which it is made, is published in one or more of the newspapers published in the county. Should one of the supervisors or assessors appointed to attend the county canvass be unable to attend on the appointed day, he shall, on or before that day, cause to be delivered at the office of the county clerk the original statement of the votes of his town or ward; and should a majority of the county canvassers not attend, or the statements from every district in the county not be produced, the canvassers present adjourn to the next day, when they again meet, and the canvassers then attending, though less than a majority of the whole, organise themselves as a board; and upon the statements, or certified copies thereof, then produced, proceed to estimate, state, and certify the votes of the county, in the manner before described. If it clearly appears to the canvassers that in any statement produced to them certain matters should have been inserted but are omitted, or that there are clerical mistakes, one of their number, delegated to do so, is sent to the town or ward inspectors, and town or ward canvassers of the town or ward from which they were received, to have the same corrected; and the town or ward inspectors and canvassers immediately assemble and make such corrections as the facts of the case require, but do not change or alter any decision before made by them, only causing their canvass to be correctly stated. The board of county canvassers can adjourn from day to day, not beyond three days, for the purpose of obtaining and receiving such statement.

The county clerk delivers to the board of county canvassers all the certified statements of the votes taken in each town or ward at the said election received at his office; and if, on the appointed day, the board of canvassers has not been organised owing to a deficient return of the votes of the county, the county clerk, by a special messenger or otherwise, obtains necessary statements or cer-

tified copies thereof, in time for the board's next meeting. He records in his office all the statements and certificates delivered to him by the county board of canvassers, and keeps a proper book for that purpose. Of the statements and certificates of the votes for the offices of governor, lieutenant-governor, judges of the court of appeals, justices of the supreme court, clerk for the court of appeals, secretary of state, comptroller, treasurer of the state, attorney-general, state engineer and surveyor, canal commissioners, inspectors of state prisons, senators, and representatives in Congress, or either of them, he prepares three certified copies under his signature, and sealed with his seal of office. Within five days from the adjournment of the board of county canvassers, the county clerk deposits in the nearest post-office, directed to the governor, to the secretary of state, and to the comptroller, each, one of the certified copies of the statements and certificates of votes prepared by him; and he prepares as many certified copies of each certificate of the determination of the board of county canvassers as there are persons declared to be elected in such certificate, and without delay delivers a copy to each person so elected. It is the duty of the clerk of each county to transmit by mail to the secretary of state, on or before the fifteenth day of December in each year, a certified copy of the official canvass of the votes cast in said county by election districts at the then next preceding general election; and within ten days after a special election he transmits to the secretary of state a list of the names of all persons elected to any county office at such election, with the places of their residence respectively.

It is the duty of the secretary of state to file in his office the certified statements received by him from a county clerk, and to obtain from the governor and comptroller every certified statement received by either of them, and to file the same in his office. If no statement due be received or obtained by him from a county on or before the last of November next after a general election, and within twenty days after a special election, he despatches a special messenger to obtain it from the county clerk, who shall, immediately on the demand of the messenger at his office, make out and deliver the statement required. All such statements so received by the messenger are delivered to the secretary of state, and filed and recorded as stated. The secretary of state appoints a meeting of the state canvassers to be held at his office or that of the treasurer or comptroller, on or before the fifteenth day of December after each general election, and within forty days after a special election; and if a majority of those officers be unable or fail to attend on the day appointed, he gives notice to the mayor and recorder of the city of Albany that their attendance is required.

The secretary of state, comptroller, state engineer and surveyor, attorney-general, and treasurer, are the state canvassers — three being a sufficient number to form a board; and failing a majority of them, the mayor and recorder of the city of Albany form with the officers attending a board as stated. When thus formed, the board proceeds upon the certified copies of the statements made by the board of county canvassers to make a statement of the whole number of votes given at such election for the office of governor and lieutenant-governor, or either of them; and other statements of the votes respectively for each of senator, representatives in Congress, judges of the court of appeals, justices of the supreme

court, clerk for the court of appeals, secretary of state, comptroller, state treasurer, attorney-general, engineer and surveyor, canal commissioners, and inspectors of state prisons, each of which statements shows the names of the persons to whom such votes have been given for either of the said offices, and the whole number of votes given to each, distinguishing the several districts and counties in which they were given. They certify these statements to be correct, and subscribe them with their proper names. Upon these statements they proceed to determine and declare what persons have been by the greater number of votes duly elected to such offices, or either of them; and they make and subscribe on the proper statement a certificate of such determination, and deliver it to the secretary of state. If any one of the canvassers dissent from a decision of the board, he shall state at large, in writing, the reasons of his dissent; and if any of the acts or proceedings of the board appear to any of the canvassers to be illegal or irregular, such canvasser shall protest against the same in writing, setting forth distinctly the grounds of his protest, and such dissent or protest, signed with his proper name, is delivered by any such canvasser to the secretary of state, who files the same in his office. The board can adjourn from day to day for a term not exceeding five days.

The secretary of state records in his office, in a book kept for that purpose, each certified statement and determination delivered to him by the board of state canvassers, and likewise every dissent or protest; and without delay transmits a copy, under the seal of his office, of such certified determination to each person thereby declared to be elected, and a like copy to the governor. Copies of such certified statements and determinations are printed in the state paper alone, at the public expense. A general certificate is made under the seal of the state and attested by the secretary of state, addressed to the House of Representatives of the United States in that Congress for which any person has been chosen, of the due election of the persons so chosen at each election as representatives of the state in Congress, and is transmitted by him to the said House of Representatives at their first meeting. If either of the persons so chosen at such election has been elected to supply a vacancy in the office of representative in Congress, it is mentioned in the statement and certificate. The secretary of state enters in a book, kept in his office, the names of the respective county officers elected in the state, specifying the counties for which they were severally elected and their places of residence, the office to which they were respectively elected, and their terms of office.

Representatives in the House of Representatives of the Congress of the United States are chosen in the several Congress districts at the general elections held therein in every second year after the year 1826; and if a representative resign, he forthwith transmits a copy of his resignation to the secretary of state; and if a vacancy occurs by death or otherwise, the clerk of the county in which such representative resided at the time of his election without delay transmits a notice of such vacancy to the secretary of state.

At the general election in November preceding the time fixed by the law of the United States for the choice of President and Vice-President of the United States, there are elected by general ticket as many electors of President and Vice-President as the state is entitled to appoint; and each elector in the state has a right to vote for the whole

number; and the several persons, to the number required to be chosen, having the highest number of votes are declared and deemed duly appointed electors. The county clerk of each county makes three certified copies of the statement of votes given for electors in his county immediately after recording the same, and forthwith transmits by mail one of these certified copies to the governor, another to the secretary of state, and delivers the other in this manner on the day succeeding that on which the canvass has been made—namely: "Those of the counties of Niagara, Wyoming, and Orleans to the clerk of Genesee; those of the counties of Livingston, Monroe, Wayne, and Yates to the clerk of Ontario; that of the county of Seneca to the clerk of Cayuga; those of the counties of Cortland and Oswego to the clerk of Onondaga; that of the county of Madison to the clerk of Oneida; . . . and those of the counties of Otsego, Schoharie, Rensselaer, and Albany to the secretary of state." The clerks of the several counties of Franklin, St Lawrence, Chatauqua, Cattaraugus, Tompkins, and Suffolk, immediately after recording the electoral votes received by them, appoint a messenger to receive and carry the certified copies of the statements of votes given for electors as stated, which appointment is made by the clerks under their seal of office. Each clerk of a county having received the certified copies of the statements of the electoral votes given in any other county delivers the same to the messenger authorised to receive the certified statements of the electoral votes given in his county, and delivers these last-mentioned statements to the messenger authorised to receive the same when demanded. The board of state canvassers meets at the office of the secretary of state on the Wednesday next after the third Monday in November after every such election, or sooner, if all the certified copies of the statements of the county canvassers have been received from all the counties, to canvass the votes given for said electors; and in case all the certified statements have not been received on that day, it may adjourn from day to day until the same have been received, not exceeding five days; and if at the expiration of five days certified copies have not been received from any county, the board proceeds to canvass upon such of the statements as have been received. It proceeds, in making a statement of all the votes and determining and certifying the persons elected, in the manner prescribed by law in relation to the election of state officers. The secretary of state without delay causes a copy, under the seal of his office, of the certified determination of the board of state canvassers to be delivered to each of the persons therein declared to be elected by special messengers, and the determination and certificate of the board of state canvassers is published in the same manner as prescribed by law in relation to the certificates of the election of state officers. Messengers guilty of destroying certificates intrusted to them, or wilfully defeating the due delivery of them, are punished by imprisonment in the state prison, at hard labour, for a term not less than three nor more than five years; and persons convicted of taking away from any messenger any such certificate, or of wilfully defeating the due delivery thereof, are punished by imprisonment at hard labour for not less than two nor exceeding four years. Any of the said officers or messengers convicted of wilful neglect of duty or of corrupt conduct are deemed guilty of a misdemeanour, punishable by fine not exceeding $500, or imprisonment not exceeding one year.

The electors of President and Vice-President convene at the Capitol on the day preceding the first Wednesday in December after their election; and those of them who so assemble at 4 P.M. of that day, immediately after that hour proceed to fill by ballot, and by plurality of votes, vacancies in the electoral college occasioned by the death, refusal to serve, or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates. The electoral college being thus completed, they choose a president and secretary from their own body. The secretary of state prepares three lists of the names of the electors, procures to the same the signature of the governor, affixes thereto the seal of the state, and delivers them, thus signed and sealed, to the president of the college of electors, on or before the said first Wednesday in December. On this first Wednesday in December the electors meet at the Capitol, and then and there vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same state with themselves; and name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice-President. Distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, are made and signed and certified, and after annexing thereto one of the lists received from the secretary of state, they seal up the same, certifying thereon that lists of the votes of the state for President and Vice-President are contained therein. The electors then, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of the lists so sealed up, and to deliver them to the President of the Senate at the seat of Government of the United States, before the first Wednesday in January then next ensuing. In case there be no President of the Senate there, the lists of the votes are delivered into the office of the Secretary of State of the United States. The electors are also required to forward forthwith by the post-office to the President of the Senate of the United States at the seat of Government, and to deliver forthwith to the judge of the United States for the northern district of the State of New York, similar lists, signed, annexed, sealed up, and certified in the manner described. Every elector who attends and gives his vote at the time and place appointed by law is entitled to receive for his attendance at such election the sum of $15 per day, together with 10 cents per mile each way from his place of residence by the most usual travelled route to the place of their meeting, to be audited by the comptroller, upon the certificate of the secretary of state, and paid by the treasurer.

On the first Tuesday of February next before the expiration of the time for which any senator was elected to represent the state in Congress, if the legislature be then in session, and if not, then within ten days after a quorum of both houses is assembled, at the then next meeting of the legislature, an election is held for a senator in Congress in the room of the senator going out of office. Whenever the seat of any such senator becomes vacant before the expiration of the time for which he was elected, another senator is elected in his room within ten days after the legislature has notice of such vacancy. Such election is made by the legislature in the following manner: the senate and assembly each openly nominate one person, after which they immediately meet; and if they

agree in their nomination, the person so nominated is appointed to the office for which he is nominated; if they disagree, the election is made by the joint ballot of the senators and members of assembly. Whenever any senator is thus chosen, copies of the resolutions of the senate and assembly testifying such choice, signed by the president of the senate and speaker of the assembly, are thereupon delivered to the person so chosen as senator as evidence of such election.

It is unnecessary to give details of the penalties by fine and imprisonment, or by either, for false swearing, procuring false swearing, neglect of duty, bribery, &c., calling out the militia, certain acts by candidates which are prohibited, changing votes, disobeying inspectors, &c., non-residents voting, and for voting more than once, procuring illegal voters, procuring non-residents to come into a town, ward, or district to vote, unqualified persons or inhabitants of another state or county voting—most of which offences are deemed misdemeanours. It is the duty of every inspector of elections, sheriff, constables, justices of the peace within the state, knowing that an offence has been committed under the general election law, or having good reason to believe that an offence has been committed, to give information thereof to the district attorney of the county in which the offence is committed, whose duty it is to adopt effectual measures for the punishment of all persons violating the provisions of said law. It is the duty of the presiding judge of every court of general sessions of the peace, or oyer and terminer within the state, specially to charge the grand jury at each term of said court to take notice of all offences committed in violation of the general election law.

Among the miscellaneous provisions of the general election law it is provided that, if a majority be not present on any day on which an election is held, the inspectors or inspector attending shall appoint so many electors of the town, ward, or district, to act as inspectors, as may be necessary to form a board; and the persons so appointed take the constitutional oath, and continue to act until a majority of the inspectors shall attend. No notice of an election nor copy of the governor's proclamation is in any case directed to the clerk of a county unless the office of sheriff be then vacant, nor to the first judge unless the offices of sheriff and clerk be both vacant. The accounts of the respective clerks of counties for services performed and expenses incurred are audited, levied, and paid in like manner as other contingent charges of the county.

By a law of 1880 no person is eligible to the office of inspector of election, or clerk of the poll, or is qualified to act as such unless he can read or write the English language—it is a misdemeanour for such an unqualified person to act as such. The election at every poll is public to the watchers from the commencement to the close of the canvass and signing of the proper returns and copies thereof. Every political organisation which presents a candidate for the suffrages of the voters of any election district has the right to appoint, not to exceed two, electors as watchers at the poll of such election district for any election. Such appointment may be written or printed, signed by the president or chairman and the secretary of such political organisation, but no ward or town organisation is entitled to watchers at any poll outside the limits of such ward or town. These watchers, and each of them, are entitled to be present at such election in the room occupied by the inspectors of election, commencing at least fifteen minutes before any

ballot-box is opened, until the close of the canvass and the signing of the proper returns of such election. Before ballots are received, the inspectors unlock every ballot-box to be used at the election, and permit each watcher present to examine it, and every part and portion of it, until he is satisfied as to its structure, and that there is at the commencement of receiving ballots no ballots in it. Every watcher has the right from the time of so inspecting the ballot-boxes, at any and all times until the canvass of the ballots and signing of the proper returns and copies thereof, to be present in the room occupied by the inspectors, in a position and place where he may fully, conveniently, and comfortably watch the reception and deposit of every ballot cast, and the full and final canvass of the ballots and signing of the proper returns and copies thereof; and no ballot-box or ballot cast, except it be in the ballot-box, shall be removed from the constant sight and inspection of the watchers until the canvass is closed and the proper returns and copies thereof made and completed. If requested by any watcher or any elector present at any canvass, it is the duty of the inspectors to exhibit any and all ballots cast, fully opened and in such a condition and manner that he may fully and carefully read and examine the same, though the inspector shall not allow any such ballot to be taken from his hand. Every return or statement of the result of the canvass is made upon a single sheet of paper, or if not, each half-sheet is signed at its end by the inspectors. The room used for the reception of the ballots must be of size sufficient to hold twelve electors, including the watchers, exclusive of the inspectors and clerks of the poll. Any watcher or other elector may challenge an elector offering to vote, and the inspectors and clerks of the poll shall not disclose the name unless required so to do by a court of justice or magistrate in some legal proceeding. The inspectors of election of each election district, within twenty-four hours after the completion of the canvass, in addition to the making and filing of the returns and statements thereof at the date of said Act, directed and required by law, shall cause a duplicate of such return or statement to be filed in the office of the clerk of the county, by one of their number specially deputed to do so, who may be paid for so doing, except in cities and towns where the county clerk's office is situated, the sum of $5, and also 4 cents for each mile actually and necessarily travelled. The returns on file in county, town, and city clerk's offices are public records, and open to inspection and examination by any elector of the state. No inspector or clerk of the poll shall peddle, distribute, or give tickets to electors during any part of the day of such election. No lager beer, ale, wine, or spirituous liquors are allowed on any election day in any room used for election purposes.

The ballots used in the State of New York are upon plain white printing paper, and without any impression, device, mark, or other peculiarity whatsoever upon or about them to distinguish one ballot from another in appearance, except the names of the several candidates, and they shall be printed with plain black ink. Each ballot has a caption (as provided by law) printed in one straight line in black ink, with plain type of the size known as "Great-primer Roman Condensed capitals," and the names of all candidates are printed in plain type with letters of a uniform size; and it is unlawful to print or distribute, or to cast any ballot, printed or partly printed, contrary to this provision, or to mark the ballot of any voter, or to deliver

to any voter such marked ballot, for the purpose of ascertaining how he shall vote at any election. A violation of this is a misdemeanour punishable by fine or imprisonment, or both. But any elector may vote any ballot entirely written, or any printed ballot which in outward appearance complies with all the said requirements, upon the face of which he has personally made, or caused to be made, erasure, correction, or insertion of any name by pencil-mark or otherwise.

The supreme court may by order, whenever it appears, by affidavit, that errors have occured in the determination of the board of county canvassers in any county, require such board to correct such errors; and failing such being done, compel said board by writ of mandamus to correct such errors, and for that purpose compel the board if need be to convene again, in which case the meeting of the board is deemed a continuation of its regular session. The practice in these proceedings in mandamus is the same as in cases of mandamus against a board of supervisors.

In all cases where any county (except New York and Kings) has a population exceeding 40,000, the board of supervisors therein at any meeting of such board, special or regular, called in the usual form, may by resolution thereof provide for the election, at the following general election, of an officer other than the county judge, who shall perform the duties of surrogate therein. This resolution is immediately delivered by the clerk of the board of supervisors to the county clerk, who files it and keeps it as a part of the county records. Within ten days thereafter, the county clerk transmits to the office of the secretary of state, to be filed and kept in his office, a copy of this resolution, duly certified by him. The respective boards of supervisors fix the salaries of county judges and surrogates. Whenever the office of county judge is vacant in a county having a population exceeding 40,000, the board of supervisors, if there be a surrogate, may resolve that there shall be no such officer in the county, and thereupon the office of such officer shall be deemed vacant, and abolished from the time the office of county judge shall be filled; and, if there be no such officer, such board may resolve that there shall be such officer in such county, in which case such officer is elected at the time and in the manner in all respects that the county judge in said county is elected.

REGISTRY LAWS.

The several inspectors of election for the several election districts in the towns and cities of the State of New York, except in the city and county of New York and in the city of Brooklyn, for the year 1872 were declared to be a board of registry under the laws of 1872, chap. 570; and for the purposes therein named these inspectors and their successors in office should meet annually on Tuesday, five weeks previous to the general election, at 9 A.M., at the place designated for holding the poll of said election, and organise themselves as a board for the purpose of registering the names of the legal voters of such district, and should sit until 9 P.M. of each day; and for this purpose they should appoint one of their number chairman of the board, who should administer to the other inspectors the oath of office as prescribed by the constitution, and

the same oath should then be administered to the chairman by one of the other inspectors. The board then proceeds to make a list of all persons qualified and entitled to vote at the ensuing election, in the election district of which they are inspectors. This list when completed constitutes and is known as the register of electors of said district. The said inspectors, at their first meetings on Tuesday, five weeks preceding the general election, have power, if necessary, to sit two days for the purpose of making said list, provided that at the annual election next prior to said meeting, the number of votes in the district of which they are inspectors exceeded 400. The registers each contain a list of persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the name at full length, and in another column, in cities and incorporated villages, the residences by the number of the dwelling, if there be a number, or if the person be an occupant of a tenement house occupied by several persons, or a lodging-place, then they also enter the number of the room, if any, and the floor or storey of said tenement or lodging-house occupied by said person, and the name of the street on which said dwelling-house, tenement, or lodging-place is located. It is the duty of the inspectors to enter in said lists the names of all persons residing in their election districts whose names appear on the poll-list kept in said district, at the last preceding general election; and for this purpose they are authorised to take from the office in which they are filed the poll-list made and filed by the inspectors of such district at the general election held next prior to the making of such register. In case a new election district is formed, the inspectors enter in the list the names of such persons entitled to vote therein, whose names appear upon the poll-list of the last general election, kept in the district or districts from which the new election district is formed. The inspectors complete, so far as practicable, the register on the day or days of their meeting aforesaid, and make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them, within two days thereafter. The original list, with the list taken from the office as stated, are filed in the office of the town-clerk of the town or city clerk of the city in which the election district may be; and one copy of the list is kept by each of the inspectors, and is carefully preserved by him for their use on the day or days for their revision and correction, as hereafter mentioned. One copy of the list is immediately after its completion posted in some conspicuous place in the room in which such meeting shall be held, and shall be accessible to any elector who may desire to examine it or make copies of it.

The board of inspectors meet on the Tuesday of the week preceding the day of the general election, at the places designated for holding the polls of election, for the purpose of revising and correcting the said lists; and for this purpose, in cities, they meet at 8 A.M., and remain in session until 9 P.M. of that day and the day following; and in other districts they meet at 9 A.M., and remain in session until 9 P.M. of that day. And they then revise, correct, add to, and subtract from, and complete the said lists, and shall on that day add to the said list the name of any person who would, on the first Tuesday succeeding the first Monday in November, be entitled under the

provisions of the constitution and laws of this state to exercise the right of suffrage in their respective election districts. But in making such addition on that day, or on any prior day, they do not place on the list the name of any person, except in strict compliance with the provisions of law. The supreme court can compel the inspectors to meet and do all the acts required by law.

The proceedings of the board of inspection are open, and all persons residing and entitled to vote in said districts are entitled to be heard by the inspectors in relation to corrections or additions to the registers. One of the lists so kept by the inspectors as stated is used by them on the day or days for making corrections or additions for the purpose of completing the registers for such district. No addition is made to the register of the name of any person, nor is the name of any person placed thereon, except one who has appeared in person before the board; and any person not born in the United States, on applying to have his name placed on the register, shall prove that he is a citizen of the United States by producing a certificate of naturalisation from a court of competent jurisdiction; nor shall any other proof of his being a citizen be received, unless he first shows to the satisfaction of the board of registry that said certificate has been issued to him, and that he is unable to produce it by reason of loss or destruction thereof. It is the duty of the inspectors at their meetings for revising and correcting to erase from the lists the name of any person inserted therein who is proved to their satisfaction to be a non-resident of the district, or otherwise not entitled to vote at the election then next to be held. Any elector residing in the district, and entitled to vote therein, may appear before the board and require his name to be recorded on said alphabetical list; and upon complying with the requirements of law, the same is recorded. Any person so requiring his name to be entered on said list shall make the same statement as to street, number, &c., required of persons offering to vote at the election, and he is subject to the same pains and penalties for refusing to give such information, or for falsely giving the same, and is also subject to challenge by any inspector or by any elector whose name appears upon the alphabetical list; and the same oath may be administered by the inspectors as may by law be administered to persons offering to vote at any election. At such meeting for revision and correction it is the right of any elector of the district to examine the registry; and if upon oath he declares that he has reason to believe that any person on the list is not a qualified elector, the inspectors shall place the words "to be challenged" opposite the name of such person, to whom, while offering his vote, the general oath as to qualifications shall be administered; and if he refuse to take oath, he shall not be permitted to vote. After the list has been fully completed, the inspectors cause four copies to be made, each of which is verified by them to be a correct list of the voters of their district, one of which is filed in the office of the town-clerk of towns, and in cities in the office of the city clerk, and one is retained by each of the inspectors. It is the duty of the inspectors carefully to preserve the lists for their use on election day, and to designate one of their number, or one of the clerks at the opening of the polls, to check the name of every voter voting in such district whose name is on the register; and no vote is received at any annual election in the state un-

less the name of the person offering to vote is on the registry, made and completed as described, preceding the election; and any person whose name is on the registry may be challenged, and the same oaths put as are prescribed by law. This provision is taken and held by every judicial or other tribunal as mandatory and not directory; and any vote which is received by the inspectors of election in contravention is void, and is rejected from the count in any legislative or judicial scrutiny into any result of the election.

The clerks at each poll, in addition to their other duties prescribed by law, enter on the poll-lists kept by them, in the columns prepared for that purpose, opposite the names of each person voting, the same statement or minute required of inspectors in making the registry; but this entry is not made by them if the registry contains correctly the name and residence of such voter. Every elector, at the time of offering his vote, shall, if required, truly state the street in which he resides, and, if the house, lodging, or tenement in which he resides is numbered, the number thereof, and if a tenement or lodging-house, the number of the room, if any, and the floor or storey of such tenement or lodging-house; and the clerks of the poll shall truly enter in the appropriate column of the poll-list, opposite the name of the elector, the street in which he resides, &c.; and if such house, tenement, lodging, or room is not numbered, then the clerk shall enter "not numbered" in the column of the poll-list set apart for that purpose; and in case of refusal to make the statement as aforesaid, the vote of such elector is not received. Any person who wilfully makes any false statement in relation thereto is guilty of a misdemeanour punishable with a fine of $50, or by imprisonment in the county or city jail for a period of thirty days, or by both such fine and imprisonment. Qualified voters in any city have the right, in any and all election districts in such city, to challenge and contest the right of any person to be placed on any register, or to vote at any poll within the city, with the same effect as though the party making the challenge was a qualified voter in the district where he makes the challenge. After the canvass of the votes, the poll-list and register, so kept and checked as described, are attached together, and, on the following day, filed in the town or city clerk's office, to be used by the inspectors in making the list of voters at the next general election. The registers are at all times open to public inspection at the office of the authorities in which they are deposited, without charge. The same lists required to be made and perfected at general elections are in the same manner made and perfected by the inspectors at all elections for charter officers in the several cities of the state, and at such elections for charter officers the board holds the first meeting three weeks prior to such charter election. These provisions of the Act of 1872 apply to all the incorporated cities in the state except New York and Brooklyn, and in all incorporated villages of over 7000 inhabitants, as determined by the last census; but they do not affect any law in reference to the registration of voters in towns or villages abutting against cities.

Where fifty or more resident citizens and legal voters of any town in any county of the state, having a population of over 300,000 according to the last census, file in the office of the town-clerk a request, in writing, that the citizens of such town entitled to vote be ascertained, the town-clerk shall, within five days thereafter, notify the justices of the peace and

supervisor of the town to meet, and in such notice name a time and place in said town, not less than three or more than ten days thereafter, for them to meet. These justices and supervisor and town-clerk meet accordingly, and constitute a board, with power to do and perform the acts and duties required of them. The presence of at least four of the board is necessary to constitute a quorum. When so convened, they proceed to appoint, under their hands and seals, five citizens and legal voters who have been residents of the town for at least one year next before their appointment as registers, to act as, and be known as, the board of registry of said town. These registers are selected from the two opposing political parties which cast the greatest number of votes at the then next preceding general election, and not more than three of them shall be at any time taken from or belong to either of said political parties. If any person so appointed fails or refuses to serve, or if a vacancy at any time occurs, the other members of the board fill the vacancy by appointment. The persons so appointed are notified by the town-clerk within five days thereafter; and thereupon, and at least thirty days before the next annual town meeting or general election, they shall meet and organise as a board of registry by electing a chairman and clerk. They then fix the times and places at which they shall meet for the purpose of ascertaining the citizens of the town entitled to the right of suffrage therein, which meetings shall be on four different days in each election district, from 8 A.M. until 9 P.M., for the purpose of registration. The last day is for the purpose only of revising and correcting the roll, and shall be at least ten days before the next ensuing annual town meeting or general election. The board of registry, immediately after organisation, causes such notice of their meetings for registration to be given as in their judgment is reasonable and sufficient, by advertising the same in at least one newspaper of each party, if there be one having a circulation in said town, and by posting ten or more notices in each town, in as many public and conspicuous places as they deem necessary and sufficient to notify the resident electors of said town. No person shall be entitled to vote at or take part in such election or town meeting except as ascertained to be entitled to the right of suffrage as provided by chap. 142 of the laws of 1880, which is now under consideration. At the times of meeting of the board of registry, they, or a majority of them, have power to act, and take and enter on five lists the name and residence of each person appearing before them and claiming to be qualified and entitled to the right of suffrage, who shall not be challenged. And the citizens of such town, entitled to and claiming the right to vote at the ensuing election or annual town meeting, may attend before the board for the purpose of registration. If any person so offering himself for enrolment is challenged by any member of the board, or by any person entitled to vote in the town, the board, or any member thereof, shall tender to him the oath required to be administered to persons when votes are challenged at general elections; and if the same is taken, the name of that person is entered on the list of voters, and not otherwise. And it is the duty of every member of the board to challenge every person offering himself for registration who is, in his opinion, not entitled to vote at the next ensuing election or town meeting. Any person not born in the United States claiming to be a citizen by naturalisation, applying to have his name placed on the registry,

must produce a certificate of naturalisation from a court of competent jurisdiction, or prove by his oath or affirmation, to the board of registry, that such a certificate has been issued, and that the same has been lost or destroyed.

The board of registry makes one complete list of all the names registered, in alphabetical order, for each election district, with the place of residence of each, as near as may be, which shall be signed by the members of the board, and filed by them in the town-clerk's office of the town, at least one week preceding every town meeting and general election; and the town-clerk shall cause a copy thereof, certified by him, to be delivered to the officers presiding at the ensuing annual town meeting, and at each election district at the annual general election in the town at the opening of the polls, who shall reject the vote of any person not on said list. But any registered person offering to vote at such election or town meeting may be challenged the same as if this Act had not been passed; and no person shall be allowed to vote save in the election district of which he is a resident. On the Saturday preceding the day of election, it is the duty of the registers of election to hold a meeting from 4 to 10 P.M. for the revising and correcting the registries, to receive testimony, and arrange for challenge at the polls; but no name shall be added to any registry at this meeting except upon proper proofs being furnished that the person applying for registration was sick or absent from the town on all days when the registers had theretofore met for the purpose of registering votes, or that such person had become a citizen by naturalisation ten days prior to the day of election. Any officer of the town, or any member of the board of registry, wilfully or corruptly neglecting or refusing to perform any of the duties intrusted to or devolved upon him, is guilty of a misdemeanour, and punishable by fine not exceeding $500 or imprisonment not exceeding six months, or by both such fine and imprisonment. A person guilty of getting himself illegally registered is deemed guilty of a misdemeanour, and punishable by fine not exceeding $250 or imprisonment not exceeding six months, or by both. A person who wilfully and corruptly swears falsely before the board of registry is guilty of perjury. Before the board of registry commences the registration of voters, as described, each member of it takes and subscribes an oath that he will in all respects well, faithfully, and honestly discharge and perform all his duties as a member of the board, and this oath is filed in the office of the town-clerk of the town. The members of the board hold office for two years from the time of their appointment; and while in the discharge of their duties receive $2 per day and all necessary expenses, which are audited and allowed by the board of town auditors.

By chap. 576, laws of 1880, the inspectors of election in each of the cities of the state whose population exceeds 16,000, and in each of the towns whose boundary-line abuts against any such city, meet annually on the Tuesday three weeks preceding the general election at 9 A.M., at the place designated for holding the poll of said election, and organise themselves as a board for the purpose of registering the names of the legal voters of such district. This board proceeds to make a list of all persons qualified and entitled to vote at the ensuing election in the election district of which they are inspectors. This list, when completed, constitutes and is known as the register of elections of that district. The inspectors,

at their first meeting on Tuesday three weeks preceding the general election, have the power, if necessary, to sit two days for the purpose of making said list, provided that at the annual election next prior to that meeting the number of voters in the district of which they are inspectors exceeded 400. No person is eligible as an inspector unless he is a qualified voter within the district, nor unless he can read, write, and speak the English language understandingly. No building, or part of a building, is designated or used as a place of registry or polling-place in which spirituous or intoxicating liquor is or has been sold within sixty days preceding the time of using the same. The inspectors of election and registry also form a board of inspectors of election for the purpose of holding an election by appointing one of their number as chairman; but it is not necessary for them to take any other or further oath of office than is provided by this Act. The several officers of inspectors of registry and elections named are, and shall be in all courts and proceedings, deemed and held respectively to be election district officers. It is the duty of the inspectors respectively to be in constant attendance during the hours allotted for the discharge of their several duties, and any inspector who wilfully absents himself from his duties is deemed guilty of a misdemeanour, and on conviction thereof is punished by a fine of not less than $25 or more than $100. Said registers each contain a list of the persons qualified and entitled to vote in the election district, alphabetically arranged according to their respective surnames, so as to show in one column the names at full length, and in another column, in incorporated villages, the residence by the number of dwelling, if there be a number, and the name of the street or other location of dwelling-place of each person. It is the duty of the inspectors to enter in the list the names of all persons residing in their election district where names appear on the poll-list kept in the district at the last preceding general election; and in all villages which come under the provisions of this Act to enter the number of the dwelling and name of street or other location, if the same is known to, or can be ascertained by, such inspectors; and for such purpose the inspectors are authorised to take from the office in which they are filed the poll-list made and filed by the inspectors of the district at the general election held next prior to the making of the register. In case a new election district is formed, the inspectors enter in the list the names of such persons entitled to vote in the new election district, whose names appear on the poll-list of the last general election kept in the district or districts from which the new election district is formed. The inspectors complete, as far as practicable, the said register on the day of their meeting, and make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them; within two days thereafter the original list, together with the list taken from the office as stated, is filed by the inspectors in the office of the town-clerk of the town, and in the office of the village clerk in which the election district may be. One copy of the list is, immediately after its completion, posted in some conspicuous place in the room in which such meeting is held, and shall be accessible to any elector who may desire to examine it or make copies of it.

The board of inspectors meet on the Friday of the week preceding the day of general election in their re-

spective election districts at the place designated for holding the polls of election, for the purpose of revising and correcting the lists; and for this purpose they meet at 9 A.M. and remain in session until 7 P.M. of that day; and they there revise, correct, add to, and subtract from, and complete the lists; and on that day add to the list the name of any person who would on the first Tuesday in November be entitled, under the provisions of the constitution and the laws of the state, to exercise the right of suffrage in their respective election districts. But in making such addition on that day or on any prior day, they shall not place on the list the name of any person except in strict compliance with the provisions of this Act of 1880 (chap. 576). The proceedings of the board of inspectors are open, and all persons residing and entitled to vote in the district are entitled to be heard by the inspectors in relation to corrections or additions to the register. One of the lists so kept by the inspectors as stated is used by them on the day for making corrections or additions for the purpose of completing the registry for such district. No addition is made to the register of the name of any person, nor is the name of any person placed thereon, except of one who has appeared in person before the board; and any person not born in the United States, on applying to have his name placed on the registry, shall prove that he is a citizen of the United States. It is the duty of the inspectors, at their meeting for revising and correcting the list, to erase therefrom the names of non-residents of the district and those not entitled to vote at the election then next to be held. Any elector residing in the district and entitled to vote therein may appear and require his name to be recorded in the alphabetical list; and upon complying with the requirements of this Act, the same is recorded. After the list has been fully completed, the inspectors cause six copies to be made, each of which is certified by them to be a correct list of the voters of the district, one of which is filed in the office of the town-clerk of the town, and of the clerk of the village, and in the office of the county clerk of the county, and one of which copies is retained by each of the inspectors. Any one of the inspectors may, at any authenticated meeting of the board, administer the oath or oaths required by law, when this Act was passed, to test the qualification of electors, and may also administer on the day of the making and completing of the list, to any elector of the district who may be offered as a witness to prove the qualification of any person claiming the right to be registered, the following oath: "You do swear or affirm that you are an elector of this district; that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as an elector of the person now claiming the right to be registered as a voter in this district." And whosoever wilfully swears falsely upon such examination is deemed guilty of perjury.

The same lists, required to be made and perfected at general elections, are in the same manner made and perfected by the inspectors, or other officers of election, at all elections for town and village officers, and all elections for school trustees, or boards of education in any village wherein, under the provisions of law, any of the villages mentioned in this Act elect school trustees or boards of education by ballot; and the provisions and requirements of this Act, so far as the same may be, are applicable to such elections, except that the officers required to make such registries meet for that purpose on

the Friday preceding the town or village charter election, and on the Friday preceding the election for school officers, for the purpose of making up, revising, correcting, and completing such register. Nothing in this Act is held to apply to any vote cast, or offered to be cast, nor to any vote under or by virtue of the provisions of any law enacted to enable qualified electors of this state absent therefrom in the military service of the United States, or in the Army or Navy thereof, to vote. The provisions of this Act apply to the towns of Richmond county and to the town of Olean, Cattaraugus county, and the town of Cortlandt, Westchester county. It does not apply to any town unless at least twenty-five electors thereof petition the supervisor of the town for such registry at least one week before the time for meeting of the inspectors on the Friday of the week preceding the day of general election. This petition is immediately filed by the supervisor in the office of the town-clerk, who at once notifies the inspectors. This Act is not construed to repeal, or in any manner interfere with, any general or special Act for a registry of voters in any of the cities, villages, or towns of this state.

No vote is received at any general election in this state, unless the name of the person offering to vote be on said registry made on the Friday preceding the election, except that the person offering to vote in any district not in an incorporated city nor in an incorporated village having over 10,000 inhabitants, furnish to the board of inspectors his affidavit giving his reasons for not appearing on the day for correcting and certifying the list, and prove by the oath of a householder of the district in which he offers his vote that he knows such person to be an inhabitant of the district; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are prescribed by law. At any general election held in the state any of the inspectors of such election may take the affidavit required by law to be furnished by persons offering to vote whose names are not on the registry of electors; and such inspectors, or one of them, shall upon request take and certify such affidavit without fee or reward. And all other officers authorised by law to take affidavits shall at all times, upon request, take and certify any affidavit so required to be furnished as stated, without any charge therefor.

The other provisions of this Act (laws of 1880, chap. 576) as to checking on the list of voters voting, the entry to be made by clerks at each poll; statement to be made by electors; punishment for wilful false swearing; checking of poll-list; clerk for board of register; registers to be open and public; compensation blanks, &c.; powers to preserve order; punishment for falsely registering, &c., false swearing, &c., are practically the same as those described when treating of chap. 570 of the laws of 1872.

MILITARY CODE.

The military code of the state is embodied in chap. 80 of the laws of 1870, and it may be divided into sixteen articles, viz. :—

I. Of the persons subject to military duty.

II. Of the enrolment of persons subject to military duty.

III. Of the general organisation of the militia, and of the organisation of the National Guard of the State of New York.

IV. Of the organisation of the general staff.

V. Of the duties of certain officers of the general staff, and of various matters connected with their respective departments.

Of the adjutant-general; of the inspector-general; of the chief of ordnance; of the judge-advocate-general.

VI. Of the election and appointment of military officers, and the tenure of their offices.

VII. Of the organisation of bands of musicians.

VIII. Of arms, uniforms, and equipments.

IX. Of armouries—how provided and how taken care of.

X. Of the drills, parades, and rendezvous of the National Guard.

XI. Of compensation for military services.

XII. Of the regimental, battalion, and separate troop battery fund, and their boards of auditors.

XIII. Of courts of inquiry and courts-martial.

Of courts of inquiry and courts-martial for the trial of officers; of regimental and battalion courts-martial; of the imposition of penalties and fines for violating the provisions of this Act; of the collection of fines and penalties; general provisions applicable to all courts-martial and courts of inquiry.

XIV. Of invasion, insurrection, and breaches of the peace.

Of invasion and insurrection; of riots, tumults, breaches of the peace, and resistance to process; of drafts of the militia.

XV. General and miscellaneous provisions.

XVI. Of rifle practice.

All able-bodied male citizens, and males of foreign birth who have declared their intention to become citizens, between the ages of eighteen and forty-five years, residing in this state, and not exempted by the laws of the United States, are subject to military duty, excepting—

1. All persons in the Army or Navy or Volunteer force of the United States, and those who have been honourably discharged therefrom.

2. All the members of any regularly organised company or department in any city, village, or town in this state, and also those who have served the full time in such companies, and have received proper certificates as exempt firemen. But no member of the National Guard is relieved from duty in the National Guard by reason of his joining any such fire company or department.

3. All commissioned officers, who have served as such in the militia or the National Guard of this state, or in any one of the United States, for the term of five years; but no officer is so exempt unless he has been honourably discharged from said service after having served the said term of five years; and also all supernumerary commissioned officers who, within one year from the date of being rendered supernumerary, and yearly thereafter, have reported themselves as such to the adjutant-general.

4. Every non-commissioned officer, musician, and private who has performed service in any regiment, battalion, troop, battery, or company of the National Guard for the term of five years and been honourably discharged therefrom.

5. Idiots, lunatics, paupers, habitual drunkards, and persons convicted of infamous crimes.

The aforesaid excepted persons included in subdivisions 1, 2, 3, and 4 are liable to military duty in case of

war, insurrection, or invasion, or imminent danger thereof.

Under the direction of the commander-in-chief, and whenever he deems it necessary, and orders such enrolment to be made, all persons liable to military duty, other than members of the National Guard, are enrolled by suitable persons, appointed by the commander-in-chief, in each town and city of the state; and this enrolment distinctly states the name and residence of each person enrolled. Three copies of the enrolment are prepared by the person making it, and after the same have been corrected, as provided in the code, one is filed in the office of the town or city clerk in which the enrolling person's district is situated, one is filed in the office of the clerk of the county wherein such district is situated, and one is filed in the adjutant-general's office. These rolls are so filed within ten days after the enrolment is made; and the officer or person making the enrolment, at the time of making the same, serves upon each person enrolled a notice, by delivery to him personally or by leaving it with some person of suitable age and discretion at his place of residence, that he is enrolled as liable to military duty. All persons, except members of the National Guard and of regularly organised fire companies or departments, claiming exemption from such duty, must, on or before the fifteenth day then next ensuing, file a written statement of such exemption, verified by affidavit, in the office of the county, town, or city clerk designated in said notice: blank notices for such purpose are furnished by the adjutant-general. Such clerk thereupon, if such person be exempt according to law, marks the word "exempt" opposite his name; and the remainder of all thus enrolled, and not thus found to be exempt, constitute the reserve militia of the state, and such clerk transmits a copy of the corrected roll to the adjutant-general. To the end that the members of the National Guard and of regularly organised fire companies or departments shall not be thus enrolled, the commanding officer highest in rank in the National Guard and in the fire department in each city or town, whenever an enrolment is ordered, files in the office of such county, town, or city clerk a certified list of the names of all persons in his command. For the purpose of preparing the enrolment, the assessors in each city, village, town, or ward of this state allow persons appointed for that purpose, as stated, at all proper times to examine their assessment-rolls and to take copies thereof; and the clerks of all counties, towns, and cities, in like manner, at all proper times allow the said persons to examine and copy the poll-lists on files in their offices. All hotel, inn, or tavern keepers, keepers of boarding-houses, persons having boarders in their families, and any master or mistress of any dwelling-house shall, upon the application of any person authorised to make such enrolment, give information of the names of all persons residing or lodging in such houses liable to be enrolled, and all other proper information concerning such persons as such authorised person may demand. If any person, of whom information is required by any such authorised person, in order to enable him to comply with the provisions of this Act, shall refuse to give such information, or shall give false information, he or she forfeits or pays $10 for each item of information demanded of him or her by any such authorised person and falsely stated, and the like sum for each individual name that may be refused, concealed, or falsely stated; and every person who refuses to give his own name and proper information

forfeits and pays a like sum, such penalties to be recovered in any court of competent jurisdiction in the name of the people of the State of New York; and it is the duty of such authorised persons to report the names of all persons who incur any penalty thus prescribed to the district attorney of the district in which they reside, whose duty it is to prosecute the same.

The commander-in-chief organises and arranges the state into such division districts as local circumstances and public convenience permit; and he may alter, divide, annex, consolidate, or disband the districts in his discretion, and retire any officer rendered supernumerary by any such alteration, division, annexation, consolidation, or disbandment.

By the said Act of 1870, the National Guard of the State of New York consists of the uniformed militia, and such volunteers as enrol themselves or enlist therein, and are organised in such number of divisions, brigades, regiments, battalions, troops, batteries, and companies, and of such arms of the service as the commander-in-chief determines and designates. The divisions, brigades, regiments, battalions, troops, batteries, and companies remained as established at the date of said Act—subject, however, to the power of the commander-in-chief to alter, divide, consolidate, transfer, or disband the same; provided that the aggregate force of the same in the time of peace, fully armed, uniformed, and equipped, should not exceed the number of 20,000 non-commissioned officers, musicians (exclusive of musicians organised into bands not enlisted), and privates. But the commander-in-chief has power, in case of war, insurrection, or invasion, or imminent danger thereof, to increase the force beyond the said 20,000, and organise the same as the exigencies of the service may require. The organisation of the National Guard conforms generally to the provisions of the laws of the United States, and the system of discipline and exercise conforms as nearly as may be to that of the Army of the United States. Every commissioned officer provides himself with arms, uniform, and equipments; and every non-commissioned officer, musician, and private provides himself with a uniform and equipments according to the rules and regulations prescribed by law, and subject to such restrictions, limitations, and alterations as the commander-in-chief may order; but every non-commissioned officer, musician, and private is furnished at the expense of the state with arms; and such uniform, arms, and equipments shall in no case be different from those prescribed by the general regulations of the military forces of the State of New York, unless by special authority of the commander-in-chief. In lieu of uniforms and equipments being furnished by the state to non-commissioned officers and privates, there is annually paid by the state to the military fund of each regiment, battalion, and separate troop, battery, or company of infantry, for the purpose of aiding the non-commissioned officers, musicians, and privates of said organisations in procuring their uniforms and equipments, a sum equal to $8 for each of its non-commissioned officers, musicians, and privates who paraded during the year preceding, fully uniformed, armed, and equipped according to the provisions of this Act, at least seven different times—four of which, in the case of regiments and battalions, shall have been on the occasion of the parade of the whole organisation. The money thus appropriated for uniforms and equipments is held sacred and inviolate for that purpose, and shall not in any event be expended for any

other; provided, however, that uniforms and equipments may be furnished to new organisations in the first instance by the state. But the provisions of sections 113 and 114, relating to equipments, do not apply to the enlisted men of the cavalry and artillery, except in so far as their personal equipments are concerned. No arms or equipments are furnished to any company or corps unless it is connected with the regular military organisation of the state. The commanding officer of each regiment, battalion, troop, battery, or company, is responsible for the safe-keeping and return of all arms and equipments committed to his charge, and executes such bonds as the commander-in-chief shall require from time to time; and no arms and equipments are furnished until bonds for the safe-keeping and return of the same are made out and approved by the commander-in-chief, nor until a suitable armoury or place of deposit for the same is assigned, rented, or erected. The commanding officer distributes the arms and equipments to his command as he deems proper. Whenever the commissioned officers of the National Guard make application to the commanding officer of their regiment or battalion for any suitable arms or equipments, and at the same time furnish him with sufficient bonds for the safe-keeping and return of the same, he may deliver to such officers such arms or equipments belonging to the state as he deems proper; but no such arms or equipments shall be delivered unless the bonds given for the safe-keeping and return thereof are approved by the sureties who became responsible in the bonds furnished to the commander-in-chief for all such arms and equipments.

When an organised troop, battery, or company has reached the minimum strength (46 non-commissioned officers, musicians, and privates) who regularly attend the drills and parades, the supervisors of the county in which such troop, battery, or company is located shall, upon the demand of the captain or commandant of such troop, battery, or company, countersigned by the commandant of the brigade or division to which it is attached, erect or rent within the bounds of such county, for the use of such troop, battery, or company, a suitable and convenient armoury, drill-room, and place of deposit for the safe-keeping of the arms, uniforms, equipments, accoutrements, and camp equipage furnished under the provisions of this Act. Whenever the division commander and the inspector-general shall deem expedient that a regimental or battalion armoury be provided to be used by all the companies of a regiment or battalion, the supervisors of the county in which such regiment or battalion is located shall, upon the demand of the commandant of such regiment or battalion, erect or rent within such county suitable and convenient premises, approved by the division commander and the inspector-general, for a regimental or battalion armoury, to be used by all the companies of such regiment or battalion, except in places where such accommodation is provided in a state arsenal. In the city and county of New York, on the proper demands, countersigns, and certificates, the board of aldermen of the city of New York, by a resolution duly passed by a majority of all the members elected to said board and approved by the mayor, may authorise the purchasing and leasing of lands, and the leasing or erection of buildings for armouries and drill-rooms for the use and occupation for military purposes of the National Guard in the city and county of New York. All leases so authorised must be ap-

proved as to their form, terms, and manner of execution by the mayor, the president of the board of aldermen, and the comptroller of the city of New York, or a majority of them; and the sums of money reserved for rent therein shall be inserted in the annual tax levy, and raised by taxation, as in the case of moneys appropriated for the erection of such buildings. A resolution, passed and approved as stated, may authorise the purchasing and leasing of lands and the erection of buildings for armouries and drill-rooms upon lands belonging to the city of New York, other than the public squares and parks of said city, and shall designate the lands to be used for such purpose, and specify the sum appropriated therefor, which sum shall be inserted in the annual tax levy by the board of estimate and apportionment, and raised by taxation upon the estates liable to taxation in said city. The sum appropriated for the purchasing and leasing of lands and the erection of buildings may be inserted in one annual tax levy or distributed among several, as the board of estimate and apportionment may deem proper. Whenever such a resolution authorising the purchasing, &c., has been passed and approved, the department of public works is authorised and required to proceed with the work of erecting such building on the lands designated. As soon as may be after the passage of said resolution, the mayor, the president of the board of aldermen, and the commissioner of public works of said city, or a majority of them, meet at the office of the mayor on the call of the latter, and select and employ as soon as possible a competent architect to draw plans and specifications for such building, and to superintend its construction and erection; and thereafter when made, or from time to time, such plans and specifications in duplicate are submitted to be passed upon and approved in writing by the mayor, the president of the board of aldermen, the commissioner of public works, and the commandant of the first division of the National Guard, or a majority of them; and thereupon one of such duplicates is filed for record with the department of public works. As soon as such plans and specifications have been accepted and approved, the department of public works proceeds forthwith to make and let the contracts for the work and materials required, in the same manner and with like effect as contracts for work and supplies are by law made and let by the several departments of the city government. All proper expenses, charges, and bills for the erection of such building are, upon the proper certification of the superintending architect and the commissioner of public works, paid by the comptroller of the city of New York out of the appropriation made as described for said purposes. The expense of erecting or renting such armouries, and for providing the necessary camp-stools, apparatus, and fixtures for heating and lighting, and the fuel and gas or oil for the same, and water-closets in such building; and for properly preserving from injury the arms, equipments, uniforms, and records stored therein, by the construction of suitable lockers, closets, gun-racks, and cases for uniforms, equipments, arms, and records; and for the maintenance thereof in good and safe repair, are a portion of the county charges of such county, and are levied, collected, and paid in the same manner as other county charges. But no money is appropriated or expense incurred for furnishing or decorating any building so erected or rented; and no money is appropriated or expense incurred, to be

paid out of moneys thus levied and collected, except for the erecting or renting of such armouries, unless the necessity of such expenditure has been examined into by the auditing boards of the commands, and certified to as necessary by the respective presidents thereof, who shall report to the adjutant-general annually in December, on or before the 15th day thereof, a recapitulation of the expenses thus incurred. In case an armoury is not erected or rented by the supervisors within three months after the proper application has been made therefor, and there has been a meeting of the board of supervisors, or in case an armoury so erected or rented by the supervisors shall, upon inspection by the inspector-general, be certified by him to be unfit or inadequate for use as an armoury, the commandant of the regiment or battalion, or, in the case of a separate troop, &c., the commandant of the brigade or division to which such battery, &c., is attached, in his discretion, with the approval of the inspector-general, may rent a room or building to be used as an armoury; and the amount of annual rent thereof, provided the same does not exceed $500 for each company, &c., in the several cities of this state, and $250 for each troop, &c., not located in cities, is a county charge, and shall be levied, collected, and paid by such supervisors in the same manner as other county charges are levied, collected, and paid.

The military forces of the state, when in the actual service of the state in time of war, insurrection, invasion, or imminent danger thereof, are, during their time of service, entitled to the same pay, rations, and allowances for clothing as are established by law for the Army of the United States; provided, however, that the commander-in-chief may, in his discretion, change the pay of such officers, non-commissioned officers, musicians, and privates, as are ordered into actual service, or to attend encampments, and sea and lake coast defence duty, in pursuance of the provisions of said Act, not to exceed the following sum each, for every day actually on duty:—

1. To all musicians and privates, $1.
2. To all non-commissioned officers, $1.50.
3. To all commissioned officers of the line below the rank of captain, $2.
4. To all commanding officers of companies, $3.
5. To all field-officers below the rank of colonel, $4.
6. To all commanding officers of regiments or battalions, $5.
7. To all regimental and battalion staff-officers, $2.50; and to all non-commissioned staff-officers, $1.50.
8. To all brigade-generals, $6.
9. To all brigade staff-officers, $4.
10. To all major-generals, $8.
11. To all division staff-officers, $5.
12. All mounted officers and all members of any troop of cavalry or battery of artillery, mounted and equipped, are paid $2 per day for each horse actually used by them.

All officers, non-commissioned officers, musicians, and privates of the National Guard, while on duty or assembled therefor, pursuant to the order of the sheriff of any county or the mayor of any city, in cases of riot, tumult, breach of the peace, resistance to process, or whenever called upon in aid of the civil authorities, receive the compensation last stated; and this compensation and the necessary expenses incurred in subsisting, quartering, and transporting the troops are audited, allowed, and paid by the supervisors of the county where such service is ren-

dered, and are a portion of the county charges of said county, to be levied and raised as other county charges are levied and raised.

The comptroller annually draws his warrant upon the treasurer in favour of the county treasurer of each county for the sum of $1500 for each regiment, and the sum of $1000 for each battalion, and the sum of $1000 for each separate mounted battery, and the sum of $200 for each separate battery not mounted, and the sum of $600 for each separate troop of cavalry, and the sum of $500 for each separate company of infantry, certified by the adjutant-general to be organised according to the provisions of this Act (laws of 1870, chap. 80) within the county; or in case any regiment, battalion, or separate troop, battery, or company of infantry, is organised in two or more counties, then the comptroller draws his warrant in favour of such county treasurer as the adjutant-general may in his certificate direct; which sums, and also those paid in like manner by the state, in lieu of furnishing uniforms and equipments, together with the fines collected from delinquent officers, non-commissioned officers, musicians, and privates, constitute the military fund of such regiment, battalion, or separate troop, battery, or company of infantry. Each regiment or battalion, separate troop, battery, or company, has an auditing board to audit all just and proper claims on the respective military funds, including those for furnishing uniforms and equipments, and to make their order on the proper county treasurer, which requires him to pay such claims out of any moneys in his hands belonging to the military fund of such regiment, &c.; but such order is not paid by the county treasurer until after the vouchers in support of such claims have been approved by the adjutant-general. Each county treasurer reports on the first day of March and September in each year to the adjutant-general, and also to the commandants of the divisions and brigades whose commands are in part or in whole in his county, the amount of all moneys received and paid out by him on account of each regimental battalion, or separate troop, battery, or company fund, and the balance then remaining in his hands, &c. And the bond required by law to be given by county treasurers for the faithful discharge of their duties is held to apply to any moneys that may come into their hands under the provisions of this Act.

In case of insurrection or invasion or imminent danger thereof, the commander-in-chief may, by proclamation or otherwise, order and direct the commandants of such companies as he shall designate to accept sufficient volunteers, should the same offer to raise companies, and maintain the same at the maximum number (the minimum and maximum of non-commissioned officers, musicians, and privates of the troop and company organisation of cavalry, infantry, and gatling battery are 46 and 100; and of the battery organisation of artillery, 80 and 120); and if sufficient volunteers should not offer, then a sufficient number shall be drafted from the reserve militia, who are thereupon enrolled in said companies, and are liable to duty in case the military forces of the state are called into service. The commander-in-chief has power, in case of insurrection, &c., to order into the service of the state any of the companies, batteries, troops, battalions, regiments, brigades, or divisions of the National Guard, or of other militia of the state that he may deem proper, and under the com-

mand of such officers as he shall designate. In case of insurrection, &c., within the limits of any division, it is the duty of the commandant of such division to order out, for the defence of the state, the National Guard, or any part thereof, under his command, and immediately report what he has done, and the circumstances attending the same, to the commander-in-chief through the adjutant-general. Every person who, while in the actual service of the state, is wounded or disabled in opposing or suppressing any insurrection or invasion, is taken care of and provided for at the expense of the state.

In case of any breach of the peace, tumult, riot, or resistance to process of this state, or imminent danger thereof, it is lawful for the sheriff of any county, or the mayor of any city, to call for aid upon the commandant of any division, brigade, regiment, battalion, troop, battery, or company; and it is the duty of the commanding officer of the division, &c., upon whom such call is made to order out, in aid of the civil authorities, the military force, or any part thereof, under his command; and he shall immediately report what he has done, and all the circumstances attending the same, to the commander-in-chief through his intermediate commanders; and in such case it is not necessary for commandants of troops, batteries, or companies to issue written orders or notices for calling out their men, but verbal orders and notices are sufficient. The men so ordered out are provided with a sufficiency of proper ammunition and arms in complete order for actual service. Such commanding officer is subject, as provided by law, to the sheriff or public officer who so requires his aid; and for refusing or neglecting to obey the order of such sheriff, &c., or for interfering or in any way hindering or preventing the men of his command from performing such duty, or in any manner, by neglect or delay, preventing the due execution of law, every such commanding officer, and every commissioned officer under his command, so offending, is liable to a fine of not less than $100, nor more than $500, and imprisonment in the county jail for a period not exceeding six months. It is the duty of the district attorney of any county wherein the offence described is committed to prosecute the same; and in addition thereto, such commanding or other commissioned officer is liable to be tried by court-martial and sentenced to be cashiered and incapacitated for holding any military commission in this state for ever after. Any non-commissioned officer, musician, or private who neglects or refuses to obey the orders of his commanding officer in the cases of insurrection, or invasion, riot, tumult, breach of the peace, and resistance to process, is liable to a fine of not less than $25 nor more than $100, and imprisonment in the county jail for a period not to exceed three months, to be prosecuted and recovered in the manner provided in the case of commissioned officers. All officers, non-commissioned officers, musicians, and privates, in cases of riot, &c., when called upon in aid of the civil authorities, receive the said special compensation, and are subsisted, quartered, and transported; and every person who is wounded or disabled in such service is taken care of and provided for at the expense of the county where such service is rendered, and all the expense attending such use of the troops is a county charge, to be levied and collected as other county charges are levied and collected.

Whenever the President of the United States or the commander-in-

chief orders a draft from the militia for public service, it is made thus:—

1. When the draft required to be made is for a number equal to one or more companies in each brigade of the National Guard, it is made by company, determined by lot, drawn by the commandant of brigade, in the presence of the commanding officers of the regiments and battalions composing said brigade, from the military forces of the state in his brigade, organised, uniformed, armed, and equipped, according to the provisions of this Act.

2. In case such draft requires a number equal to one regiment or battalion, the same is determined by lot as described.

3. In case such draft requires a larger number than the whole number of men composing the National Guard force of said brigade, such additional draft is made of the requisite number to supply such deficiency from the roll of the reserve militia of each town or city, filed in the office of the county, city, or town clerk, pursuant to the provisions of this Act.

Every non-commissioned officer, musician, and private of the National Guard originally enlisting, is held to duty therein for the term of five years; and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment incapacitates him to perform such duty, and he is regularly discharged in consequence thereof by the commandant of his regiment, battalion, separate troop, battery, or company: provided, however, that every such non-commissioned officer, musician, and private shall continue held to duty, and shall retain his rank and be eligible to promotion after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery, or company omits to apply for his discharge as stated below; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of application, except when the application is made by the commandant, in which case the discharge may be granted immediately. Every commissioned officer and every non-commissioned officer, musician, and private of the National Guard is exempt from jury duty during the time he performs military service; and every such person who has so served five or more years, and been honourably discharged, is for ever after exempt from jury duty. Except as otherwise provided, no non-commissioned officer, musician, or private of the National Guard is discharged from service except for physical disability or expiration of term of enlistment. Discharges for physical disability are granted only upon the certificate of the regimental or battalion surgeon; and in the case of a separate troop, battery, or company, of the surgeon of the division or brigade to which it is attached: always provided, however, that the commandant of each division may for sufficient reasons and in his discretion discharge enlisted men in his division at any time upon the recommendation of the commandant of the troop, battery, or company, with the approval of the commandant of the regiment or battalion and of the brigade to which they belong; and in case of a separate troop, battery, or company attached to a brigade, upon the recommendation of the commandant thereof, with the approval of the commandant of the brigade; and in the case of a regiment, separate troop, battery, or company attached to a division, upon the recommendation of the commandant thereof; but no enlisted man is discharged from service unless he produces the certificate of his immediate commanding officer that he

has turned over, or satisfactorily accounted for, all property issued to him.

Commanding officers of divisions, brigades, regiments, and battalions, and of separate troops, batteries, or companies, make returns to the adjutant-general on the last days of March, June, September, and December in each year, of all changes in their commands during the previous three months, giving the names and grades of the persons discharged, and the cause thereof, and also of those gained by enlistment. Whenever any non-commissioned officer, musician, or private of the National Guard has performed service therein for the term of five years from the date of his enlistment, or for the term for which he may have re-enlisted, properly uniformed, armed, and equipped, according to the provisions of said Act, he or the commandant of his troop, battery, or company, is entitled to apply for his discharge from the service; and upon his so applying and presenting the certificate of the commandant that he has performed such service, and has turned over or satisfactorily accounted for all property issued to him, which certificate the commandant shall give him if warranted by the facts, or upon the commandant of his troop, battery, or company so applying and certifying to such facts, the commandant of the regiment or battalion to which he belongs, or, in case of a separate regiment, battalion, troop, battery, or company, the commandant of the brigade or division to which it is attached, grants him a full discharge from the service at the expiration of three months from the date of the application; but if the application is made by the commandant of his troop, battery, or company, the discharge may be granted immediately for sufficient reason, and in his discretion, by the officer authorised to grant the same. The commanding officer of every troop, battery, or company, on the application of any commissioned or non-commissioned officer, musician, or private of his command, delivers to him a certificate stating that such person is a member of his command, and whether he is uniformed, armed, and equipped according to law, and how recently he may have performed duty in said troop, battery, or company. This certificate, when dated within six months, is deemed for all purposes presumptive evidence of the matter therein stated.

The members of any division or brigade staff, and the field, staff, and company officers of any regiment or battalion, may organise themselves into an association; and such association, and each troop, battery, and company, may, by a vote of two-thirds of all its members, form by-laws and regulations not inconsistent with said Act (laws of 1870, chap. 80) for the management of their internal affairs. These by-laws, rules, and regulations are binding upon all commissioned officers, non-commissioned officers, musicians, and privates, but may be altered from time to time as found necessary by the same vote. For violations of these by-laws, rules, and regulations, the non-commissioned officer, musician, or private offending may be expelled from the troop, battery, or company to which he belongs by the vote of a majority of all its members; and upon such action being confirmed in orders by the commandant of the regiment or battalion, and in case of a separate troop, battery, or company, by the commandant of the brigade or division to which it is attached, the name of such person is struck from the roll of the troop, battery, or company, his certificate of membership is surrendered and cancelled, and he ceases to be a member thereof, and his time of service therein is not allowed under the

provision of said Act. Whenever a member of any troop, battery, or company has moved beyond the bounds of the state, or having been absent without leave, and having been returned to court-martial, and fined by sentence thereof, and such sentence cannot be enforced for reason of inability to find such member; and such sentence having been promulgated at least three months, the commandant of the troop, battery, or company shall report the names of such members and the causes therefor to the commandant of the regiment or battalion, or of the brigade or division, as the case may be. Upon the return of this report, bearing the approval of the officer to whom it was made, such names are dropped from the company roll. Members so dropped may be taken up by the commandant of the troop, battery, or company by order of the commandant of the division, brigade, regiment, or battalion to which it is attached, upon evidence that such members have resumed their residence in the state, or have voluntarily returned to duty and paid all fines and penalties due, or have been arrested and the sentence of court-martial enforced, and in such cases their names are again entered upon the rolls. Any civil or military officer who neglects or refuses to perform any of the duties required of him by the provisions of law, forfeits and pays the sum of not less than $25 nor more than $100 for each and every offence, to be recovered in the name of the people of the State of New York; and if he wilfully neglects or refuses to perform these duties, he is deemed guilty of a misdemeanour punishable by fine and imprisonment, according to the aggravation of the offence. It is the duty of the district attorney of any county within which such offender resides, upon the complaint of the commanding officer of a brigade, regiment, battalion, or separate troop or battery located in such county, to prosecute such offender in any court of competent civil jurisdiction; and any penalty recovered is paid into the treasury of the county, and belongs to the military fund of the regiment, battalion, or separate troop or battery to which the offender belongs, or in which the case may have arisen.

It is the duty of the general inspector of rifle practice, or his assistant, to attend the annual competition for the state prize, and as far as practicable all other general competitions in marksmanship among the National Guard, and see that these competitions are conducted with fairness and according to the prescribed regulations. He and the division and brigade commanders and inspectors of rifle practice of the commands in the district in which the rifle-range of any incorporated rifle association, except the National Rifle Association, is situated, are *ex officio* directors thereof. These inspectors of rifle practice are authorised to inspect such rifle-ranges at any time, and in the case of associations or organisations which have received targets, or other articles, and aid from the state, to require a report from their proper officers of their financial condition, and of the condition of the state property in their possession, and also to examine their books and vouchers. In case any range or armoury rifle-gallery is, in the opinion of the general inspector or the division inspector of rifle practice, dangerous, they are respectively authorised to prevent its being farther used until rendered safe. On the approval of the commander-in-chief, the chief of ordnance may issue to rifle-ranges targets and other appurtenances and military equipments for the practice of the National Guard thereon, in the same manner as other

ordnance stores are issued by him; and under the direction of the commander-in-chief, and with his approval, expenditures may be made from the appropriations for military purposes for services and expenses in maintaining rifle-ranges and promoting rifle practice in the National Guard. Before any targets or other appurtenances or military equipments are issued to any rifle association, or any aid given to it by the state, it shall file with the adjutant-general and the general inspector of rifle practice a certified copy of its articles of association and by-laws and other regulations, which must have the approval of the general inspector of rifle practice, to whom must be furnished annually a list of its officers. Such bonds as may be required by the commander-in-chief are given to secure the care and custody of any targets or other property issued to any rifle-range or association by the state. For the purpose of preserving the property of the state thus issued, and of preventing accidents, and for maintaining order upon such rifle-ranges, the officers and employees of the National Rifle Association, and other rifle associations having a rifle-range, are vested with the powers of constables when in the discharge of their duties, and wearing such badge of office as is prescribed by said associations respectively; and all persons trespassing upon these rifle-ranges, or injuring any of the targets or other property situate thereon, or wilfully violating thereon any of the regulations established to maintain order, preserve property, and prevent accidents, are guilty of a misdemeanour. The annual "state division prize," not exceeding $100 in value, is offered for competition among the several regiments and battalions in each division; and a similar prize, not exceeding $500, known as the "state prize," is offered for competition among all the regiments and battalions throughout the state. The treasurer of the National Rifle Association (whose range is at Creedmoor), and the treasurer of every other rifle association which receives aid from the state, files with the comptroller and the adjutant-general, within twenty days after the first day of January and the first day of July in each year, a detailed statement of all receipts and expenditures of such rifle associations during the previous six months, verified by such treasurer under oath; and it is the duty of the presidents of such rifle associations annually, within twenty days after the first day of November, to file with the general inspector of rifle practice a statement in detail of all the property of said associations and the condition of the same.

By chap. 69 of the laws of 1845, intituled "An Act to enforce the laws and preserve order," the commander-in-chief may, on the application of any sheriff, deputy sheriff, or district attorney, or either of them, or the mayor or recorder of any city, or the commander of any uniformed company, loan to such officer, or to any military company, or to any number of citizens, or to any city, village, or town, any number of stands of arms and military equipage from any of the arsenals or military stores of this state which he deems proper, and for such time and on such terms and conditions and security as he deems proper. On the application of the sheriff, under-sheriff, or district attorney of any county of the state, with the assent of the majority of the judges of the county courts of such county, the governor may, if in his opinion it is necessary and proper, authorise such sheriff, under-sheriff, district attorney, or some deputy sheriff, to contract with and organise a guard for the protection of any jail or prison in said county, or to arrest,

detain, or have in safe-keeping any prisoner or prisoners, or to enforce any process, judgment, or decree of any court; which application and authority shall be in writing, and a copy thereof filed and recorded in the office of the secretary of state. This written authority specifies the number of persons beyond which the guard shall not extend. This guard is under the command and direction of such officer or officers designated by the governor; failing whom, the sheriff, under-sheriff, or deputy, and of such officers, military or civil, as are designated by such sheriff or deputy. Whenever the sheriff of any county deems it necessary for the protection of a jail or prison, or the safe-keeping of prisoners, he may, with the assent of one of the judges of the county court, employ a temporary guard until a guard can with reasonable diligence be formed and organised as described. The county pays all expenses of these guards, &c. Whenever the governor is satisfied that the execution of civil or criminal process has been forcibly resisted in any county or counties of the state by bodies of men, or that combinations to resist the execution of such process by force exist in any such counties, and that the power of such county or counties has been exerted, and is not sufficient to enable the officer having such process to execute the same, he may, on the application of such officer, or the district attorney of such county, or of one of the judges of the county courts thereof, by proclamation, published in the state paper and in such other papers as he directs, declare such county or counties to be in a state of insurrection, and may order into the service of the state such number and description of volunteer or uniform companies or other militia of the state as he deems necessary, to serve for such term as he directs, and under the command of such officer or officers as he thinks proper; and the governor may, when he thinks proper, revoke or declare that such proclamation shall cease at such time and in such manner as he directs. The expenses, and also those of the commissariat and other military departments, are audited and allowed by the comptroller, and on his warrant paid by the treasurer out of any money in the treasury not otherwise appropriated.

The books, records, and other property deposited in the Bureau of Military Statistics are open to free inspection and use at all reasonable hours, but no book or article shall be taken therefrom. The objects of this bureau are, according to the Act of 1864 (chap. 51), to collect and preserve, in permanent form, the name of every person who has volunteered or been mustered into the service of the general Government since April 15, 1861, and the personal history of such person while in such service, so far as the same can be ascertained; a record of the services of the several regiments, including an account of their organisation and subsequent history; and also an account of the aid afforded by the several towns, cities, and counties of the state. Chapter 690, laws of 1865, provided that there might be organised in any county of the state an auxiliary to the Bureau of Military Statistics, to be denominated the Auxiliary Bureau of Military Statistics for the County of (naming it), for the following objects: To collect and furnish to the Bureau of Military Statistics, and to preserve in permanent form for the county, a record of the military services of those who have volunteered or been mustered in the service of the general Government from the county since the 15th day of April 1861, and a brief civil history of such person, so far as the same can

be ascertained; a record of the services of the several regiments, companies, or batteries raised therein; and an account of the voluntary aid afforded by the several towns or cities of the county. Any number of persons of full age, provided they exceed in number the towns of the county, who desire to associate themselves for these objects, may make, sign, and file in the Bureau of Military Statistics, and in the office of the clerk of the county in which the business of such auxiliary bureau is to be conducted, an application in writing to the chief of the Bureau of Military Statistics (formerly called Bureau of Military Record), in which shall be stated the name or title by which such auxiliary, if established, shall be known; but this application shall be signed by at least one person from each town in the county. The chief of the Bureau of Military Statistics may then grant a certificate, naming therein a superintendent, and also naming a board of managers, consisting of one from each town, all of whom shall be recommended to him by the person signing the application, and setting forth certain prescribed facts. The superintendent and managers, together with enrolled members, annually elect from the officers or membership a board of managers, and the board of managers thus elected may at their first meeting elect a superintendent. A report of the proceedings of each annual meeting, with the names of the officers elected, shall be filed in the Bureau of Military Statistics, and also in the office of the county clerk. No expense exceeding $3 per town shall be imposed upon the state in collecting the statistics and other information for which the auxiliary bureau is organised, nor shall that sum, nor any part thereof, be payable unless an account, setting forth in detail the voluntary aid afforded by citizens of the respective towns in the county, shall be deposited in the Bureau of Military Statistics. If such account is satisfactory to the chief of the Bureau of Military Statistics, he may certify the account of the superintendent of the auxiliary bureau therefor. It was made the duty of town-clerks and of supervisors and county treasurers, and of mayors and common councils of cities, to promote the objects of the bureau by giving all necessary information, &c., &c. By another Act of 1865, a number of gentlemen were named and appointed commissioners to provide a suitable repository for the records of the war of the Rebellion, and for the collections of the Bureau of Military Statistics. It was to be a fire-proof structure called the Hall of Military Record, and to be located in the city of Albany in preference to the city of New York, but conditioned on the sum of $75,000 being voluntarily contributed by the people of the state. By an Act of 1866, at the first annual meeting of the boards of the several counties of the state, they might at their discretion levy and collect from such towns, wards, and cities as should not at such time have paid their apportionment, in the same manner as are other town and city taxes, the amounts respectively assigned thereto by the commissioners for the erection of the Hall of Military Record. But no tax should be assessed and levied upon the property of any town until the supervisor thereof should produce to the said board some resolution or other expression from his town or its officers in favour thereof. The Bureau of Military Statistics is a depository for flags, trophies, and mementoes of war. By the laws of 1878, chap. 369, the new Capitol commissioners were required to set apart and suitably furnish sufficient apartments in the new Capitol, to be known and main-

tained as the Hall of Military Record: and the interest arising from the investment of the funds theretofore contributed by towns, cities, and individuals for the erection of such Hall of Military Record should be thereafter devoted to the maintenance of such Hall of Military Record.

TOWNS.

Each town (in the State of New York), as a body corporate, has capacity—(1) to sue and be sued in the manner prescribed in the laws of the state; (2) to purchase and hold lands within its own limits, and for the use of its inhabitants, subject to the power of the legislature over such lands; (3) to make such contracts, and to purchase and hold such personal property, as may be necessary to the exercise of its corporate or administrative powers; and (4) to make such orders for the disposition, regulation, or use of its corporate property, as may be deemed conducive to the interests of its inhabitants. No town possesses or exercises any corporate powers, except such as are enumerated in chapter xi. of the Revised Statutes of the State of New York (seventh edition), or are specially given by law, or are necessary to the exercise of the powers so enumerated or given. All acts or proceedings by or against a town, in its corporate capacity, are in the name of the town; but every conveyance of lands within its limits, made in any manner for the use or benefit of its inhabitants, has the same effect as if made to the town by name.

When a town, seized of lands, is divided into two or more towns, or is altered in its limits by the annexing of a part of its territory to another town or towns, the supervisors and overseers of the poor of the several towns constituted by such division meet as soon as may be after the first town meetings subsequently held in such towns, and when so met have power to make such agreement concerning the disposition to be made of such town lands, and the apportionment of the proceeds, as they think equitable, and to take all measures and execute all conveyances necessary to carry such agreement into effect. If no agreement is made within six months after such division or alteration, the supervisor and overseers of the poor of each town in which any portion of said lands lies, proceed, as soon as may be, to sell and convey such part thereof as is included within the limits of such town as fixed by the division or alteration, and the proceeds are apportioned between the several towns interested therein by the supervisors and overseers of the poor of all the towns, according to the amount of taxable property in the town divided or altered, as the same existed immediately before such division or alteration, to be ascertained by the last assessment-list of the town. When a town possessed of or entitled to money rights and credits or other personal estate is so divided or altered, such personal estate, including moneys belonging to the town in the hands of town officers, is apportioned between the towns interested therein by the supervisors and overseers of such towns, who meet and apportion in the manner described. Whenever a meeting of the supervisors and overseers of two or more towns is required for the purposes mentioned above, it may be called by either of the supervisors; but the supervisor calling it shall give at least three days' notice in writing to

all the other officers of the time and place of meeting. These provisions do not, however, apply to any cemetery or burial-ground which belongs to the town within which it may be situated after a division has been made. Debts owing by a town so divided or altered are apportioned in the same manner as the personal property of such town, and each town shall thereafter be charged with its share of such debt according to the apportionment. These provisions do not apply to any of the lots granted by the people of the state to any town for the support of the Gospel and schools, commonly called the Gospel and school lots.

There are chosen at the annual town meeting in each town 1 supervisor, 1 town-clerk, 1 assessor, 1 collector, 1 or 2 overseers of the poor, 1, 2, or 3 commissioners of highways, and not more than 5 constables, also the number of justices of the peace to which the town is entitled; but any greater number of these officers respectively, or of other officers, where the power to elect such greater number has been conferred by any other statute, may be elected at such town meeting. These provisions do not authorise the election of overseers of the poor in any town in the counties of Richmond or Kings. The assessors and commissioners of highways elected in every town are, by virtue of their offices, fence-viewers of their town. The electors of each town have power, at their annual town meeting, for their respective towns—

1. To determine what number of assessors, constables, and pound-masters shall be chosen for the then ensuing year.

2. To elect such town officers as may be required to be chosen.

3. To direct such sum to be raised for the support of common schools for the then ensuing year as they may deem necessary, but not exceeding a sum equal to the amount required by law to be raised therein for that purpose.

4. To direct the institution or defence of suits at law or in equity in all controversies between the town and corporations, individuals, or other towns.

5. To direct such sum to be raised for prosecuting or defending such suits as they may deem necessary.

6. To take measures and give directions for the exercise of their corporate powers.

7. To make such provisions and allow such rewards for the destruction of noxious weeds as they may deem necessary, and to raise money therefor.

8. To establish and maintain pounds at such places as may be convenient.

9. To establish the compensation of the fence-viewers, commissioners and inspectors of schools, and collector of such town; but the compensation of the collector shall in no case be more than 5 nor less than 3 per cent.

10. To make from time to time such prudential rules and regulations as they may think proper for the better improving of all lands opened by the town in its corporate capacity, whether commons or otherwise; for maintaining and amending partition or other fences around the same, or any part thereof, and circular fences for their lands, gardens, orchards, and meadows, for protecting such lands from any trespass, and for directing the time and manner of using the same.

11. To make the like rules and regulations for ascertaining the sufficiency of all fences in the town; for determining the times and manner in which cattle, horses, or sheep shall be permitted to go at large on highways; and for impounding animals.

12. To impose such penalties on persons offending against any rule or regulation established by the town, excepting such as relate to the keeping and maintaining of fences, as they may think proper, not exceeding $12.50 for each offence.

13. To apply such penalties, when recovered in such manner, as they may think most conducive to the interests of the town.

In addition, the electors of each town, bound to support its own poor, have power at their annual town meeting to direct such sum to be raised in such town for the support of the poor for the ensuing year as they deem necessary. And every town may raise any money that may be necessary to defray any charges that may exist against the overseers of the poor of such town.

Special town meetings are held to supply vacancies in certain cases. They are also held whenever twelve or more persons eligible to the office of supervisor of the town, by application in writing, signed by them, and addressed to the town-clerk, require a special town meeting to be called for the purpose of raising moneys for the support of common schools or of the poor, when a proposition to that effect has not been acted upon at the annual town meeting; or for the purpose of deliberating in regard to the institution or defence of suits or the raising of moneys therefor; and no special town meeting has power to act on any subjects other than those now specified. No previous notice need be given of the annual town meeting; but the town-clerk shall, at least eight days before the holding of any special town meeting, cause notices thereof, under his hand, to be posted at four or more of the most public places in the town, specifying the time, place, and purposes of the meeting. Every order and direction, and all rules and regulations made by any town meeting, remain in force until altered or repealed at some subsequent town meeting. Whenever a town meeting is held in any town, no civil process shall be served in the town on any elector entitled to vote therein on any day during which the town meeting is held.

It is the duty of the justices of the peace of each town to attend every town meeting held therein; and such of them as are present preside at the meeting and see that it is orderly and regularly conducted. The officers so presiding have the like authority to preserve order, to enforce obedience, and to commit for disorderly conduct, as is possessed by the board of inspectors at a general election. If there be no justice of the peace present at such meeting, then such person as is chosen for that purpose by the electors present presides and possesses the like powers as the justices. The town-clerk last before elected or appointed is the clerk of the town meeting, and keeps faithful minutes of its proceedings, in which he enters at length every order or direction, and all rules and regulations made by such meeting. If the town-clerk is absent, then such person as is elected for that purpose by the electors present acts as clerk of the meeting. Town meetings are kept open in the day-time only, between the rising and setting of the sun, and, if necessary, may be held two days successively, but no longer; and the canvass of the votes may be commenced, at the option of the canvassers, upon the election day, and continued after sundown, or be had upon the next day. All questions upon motions made at town meetings are determined by the majority of the electors voting; and the officers presiding at the meeting ascertain and declare the result of the votes upon each question. If any person offering to vote at any elec-

tion or upon any question at a town meeting is challenged as unqualified, the presiding officers proceed thereupon in the manner prescribed in the general election law, and no person whose vote has been received upon such challenge shall be again challenged upon any other question arising at the same town meeting. The minutes of the proceedings of every town meeting, subscribed by the clerk and by the officers presiding, are filed in the office of the town-clerk within two days after the meeting. Provision is made against false-swearing, subornation of perjury, bribery, menace, changing votes, non-residents voting, voting in more than one town, &c., &c. The town meetings of the several towns in the respective counties of the state are held on some day between the first day of February and the first day of May in each year, appointed from time to time by the boards of supervisors of the several counties by resolution, so that the town meetings of every town in the county shall be held on the same day. Each board of supervisors fixes the time for their respective counties at their pleasure, within the period aforesaid, and the resolution so fixing the time is duly published, and the day so fixed remains the day established for said town meetings for at least three successive years, and until changed by a resolution of said boards. The time for transacting the business of the towns, which requires a vote of the people thereof, is fixed at 12 o'clock noon of the day of the annual town meeting for the election of town officers, and continues without adjournment until finished, excepting the balloting for town officers and the duties connected therewith. No question involving the expenditure of money shall be introduced after 2 P.M. of the same day. The last two provisions do not apply to any town wherein the manner of holding town meetings is regulated by special Act.

Before the electors proceed to elect any town officers, proclamation is made of the opening of the poll, and proclamation is in like manner made of each adjournment, and of the opening and closing of the poll, until the election is ended. The supervisors, town-clerk, assessors, collector, overseers of the poor, commissioners of highways, commissioners and inspectors of common schools, constables, and justices of the peace, are chosen by ballot, while all other officers are chosen either—

1. By ballot;
2. By ayes and noes; or,
3. By the rising or the dividing of the electors.

When the electors vote by ballot, all the officers voted for are named in one ballot, which contains, written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and these ballots are delivered to the presiding officers so folded as to conceal the contents. The poll-list is kept by the clerk of the meeting, on which is entered the name of each person whose vote is received; and the presiding officers deposit the ballots in a box constructed, kept, and disposed of as near as may be in the manner prescribed in the general election law. At the close of every election by ballot the presiding officers proceed publicly to canvass the votes, which, when commenced, is continued without adjournment or interruption until it is completed. The canvass being completed, a statement of the result is entered at length by the clerk of the meeting in the minutes of its proceedings, which he publicly reads to the meeting; and this reading is deemed notice of the result of the election to every person whose name has been entered

on the poll-list as a voter. Within ten days thereafter the clerk of every town meeting transmits to each person elected to any town office, whose name has been entered on the poll-list as a voter, a notice of his election.

No person is eligible to any town office unless he is an elector of the town for which he is chosen. No loan officer appointed under the Act of the 14th of March 1792, entitled "An Act for loaning monies belonging to this state," is during his continuance in that office eligible to the office of supervisor. Every person chosen or appointed to the office of supervisor, town-clerk, assessor, overseer of the poor, commissioner of highways, or town-sealer, before he enters on the duties of his office, and within ten days after he is notified of his election or appointment, shall take and subscribe before some justice of the peace or commissioner of deeds, the oath of office prescribed by the constitution of the state. This oath is administered without reward; and the justice or commissioner, also without reward, certifies in writing the day and year when the same was taken, and delivers such certificate to the person by whom the oath was made, who, within eight days thereafter, shall cause it to be filed in the office of the town-clerk. Neglect to take and subscribe this oath, and to file the certificate thereof as stated, is deemed a refusal to serve. Every person chosen or appointed to the office of overseer of highways, or commissioner or inspector of common schools, or pound-master, before he enters on the duties of his office, and within ten days after he is notified of his election or appointment, shall cause to be filed in the office of the town-clerk a notice in writing signifying his acceptance of such office; and if he does not do so, the neglect is deemed a refusal to serve. Every person chosen or appointed to the office of collector, before he enters on the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him, shall execute to the supervisor of the town and lodge with him a bond with one or more sureties, approved of by such supervisor, in double the amount of such taxes, conditioned for the faithful execution of his duties as collector. Within six days thereafter the supervisor shall file this bond, with his approbation indorsed thereon, in the office of the county clerk, who makes an entry thereof in a book provided for the purpose, in the same manner as judgments are entered of record; and every such bond is a lien on all the real estate held jointly or severally by the collector or his sureties within the county at the time of the filing thereof, and continues to be such lien till its condition, together with all costs and charges which may accrue by the prosecution thereof, are fully satisfied. Every person chosen or appointed to the office of constable, before he enters on the duties of his office, and within eight days after he is notified of his election or appointment, shall take and subscribe the constitutional oath of office, and shall execute in the presence of the supervisor or town-clerk of the town, with at least two sufficient sureties approved of by such supervisor or town-clerk, an instrument in writing by which such constable and his sureties, jointly and severally, agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay on account of any execution which is delivered to him for collection; and all jointly and severally agree and become liable to pay each and every such person for any damages which he may sustain from or by

any act or thing done by said constable, by virtue of his office of constable. Every constable so chosen or appointed shall in good faith be an actual resident of the town or ward in which he is chosen or appointed. The supervisor or town-clerk indorses on such instrument his approbation of the sureties therein named, and shall then cause the same to be filed in the office of the town-clerk, and a copy of this instrument, certified by the town-clerk, is presumptive evidence in all courts of the execution thereof by such constable and his sureties. All actions against a constable or his sureties upon any such instrument shall be prosecuted within two years after the expiration of the year for which the constable named therein has been elected. If any person chosen or appointed to the office of collector or constable does not give the security and take the oath required within the time limited for that purpose, such neglect is deemed a refusal to serve. If any person chosen or appointed to the office of supervisor, town-clerk, assessor, commissioner of highways, or overseer of the poor, refuses to serve, he forfeits to the town the sum of $50; and if any person chosen or appointed to the office of commissioner or inspector of common schools, overseer of highways, pound-master, or town-sealer, refuses to serve, he forfeits to the town the sum of $10. No Quaker, or reputed Quaker, chosen or appointed to the office of assessor, is liable to the said penalty if he affirms, within three days after receiving notice of his election or appointment, that he has conscientious scruples about executing the duties of that office. Such affirmation is made before some one of the justices of the town, who, without reward, certifies in writing the day and year when the same was taken; and such person within eight days thereafter causes said certificate to be filed in the office of the town-clerk. If any town officer who is required by law to take the oath of office enters upon the duties of his office before taking the oath, he forfeits to the town the sum of $50. Town officers hold their offices for one year, and until others are chosen or appointed in their places and have qualified. The oath of office of any town officer, except justices of the peace and commissioners of deeds, may be subscribed and sworn before, and certified by, the town-clerk of the town in which such officer is elected, without fee or reward. The supervisors of the several towns which have local school funds belonging to the town have to give an additional bond, with two or more sureties, in double the amount of all school moneys, funds, or securities under their respective control or custody. Justices of the peace hold office for four years, unless elected or appointed to fill vacancies. They take the oath of office before the clerk of the county in which they have been elected or appointed, at any time before the fifteenth day of January next succeeding their election or appointment. Each justice, in towns or cities, before he enters upon the duties of his office, executes an instrument in writing, with two sureties approved by the supervisor, or the town-clerk where the justice of the peace is also supervisor of the town, or the common council of the city in which such justice resides, conditioned that he will pay over on demand to the officer, person, or persons entitled to the same, all moneys received by him by virtue of his office; and, previous to entering upon the discharge of his official duties, files this instrument in the office of the clerk of the city or town in which he resides. Before being sworn into office, he has to file with the county

clerk a certificate of the town or city clerk that he has filed the said bond; and no justice of the peace shall be sworn into office until he has filed such certificate as aforesaid. These provisions as to justices of the peace do not apply to the city and county of New York, or to those cities whose charters require these officers to give such bonds.

If any town omits or neglects at its annual town meeting to choose its proper officers, or any of them, it is lawful for any three justices of the peace of said town, by a warrant under their hands and seals, within five days after the town meeting, to appoint such officer or officers; and the person or persons so appointed hold their respective offices until others are chosen or appointed in their places, and have the same powers and are subject to the same duties and penalties as if they had been duly chosen by the electors; but if the justices of the peace fail to so appoint, it is the duty of the town-clerk, within thirty days thereafter, to call a special town meeting for the purpose of electing such officer or officers. Such warrant of the justices is filed forthwith in the office of the town-clerk, who forthwith gives the appointees notice. Any three justices of the peace may, for sufficient cause shown to them, accept the resignation of any town officer of their town; and whenever they accept any such resignation, they shall forthwith notify the town-clerk thereof. If any person chosen or elected to be a town officer refuse to serve, or die, or resign, or remove out of the town, or become incapable of serving before the next annual town meeting, the town-clerk, within eight days after the happening of such vacancy, on the petition of not less than twenty-five legal voters of the town, calls a special town meeting for the purpose of supplying the same. In case a special town meeting is not so called, then, and not otherwise, any vacancy so occurring is filled by appointment made by not less than three justices of the peace of the town. But this does not apply to the filling of vacancies in the office of justice of the peace or any other town office where special provision is made by law for the mode and manner of filling the same. If the electors do not, within fifteen days after the happening of a vacancy, supply the same by an election at town meeting, the same is supplied by the justices of the town, in the manner and with the effect described. Vacancies in all town offices, except the office of supervisor, assessor, commissioner of highways, overseer of the poor, collector, or overseer of highways, are supplied by the justices of the town in the manner described. Vacancies in the office of collector are supplied by the supervisor and two justices of the peace, and vacancies in the office of overseer of highways by the commissioners of highways. Whenever a vacancy occurs in any town office and there are not three justices of the peace residing in the town, the justice or justices residing may associate with themselves one or more justices of the peace from any adjoining town, as may be necessary to make the number three; and such three justices have the like power to fill the vacancy as if they were respectively justices of the town in which the vacancy occurred. Whenever a vacancy occurs in the office of justice of the peace of any town, the supervisor, town-clerk, and remaining justices, or a majority of such officers, are authorised by warrant under their hands and seals to appoint a suitable person to fill the vacancy, and the person so appointed holds office until the next regular annual town meeting, or the 31st

day of December next ensuing, should the vacancy be of an officer whose term would then expire. Every such appointment is filed in the office of the town-clerk, and a copy thereof in the office of the county clerk, before the person so appointed is authorised to act.

In 1881 an Act was passed relating to the election and appointment of town officers and the transaction of other town business in counties containing upward of 300,000 inhabitants, as determined by the last state census. Under it the officers required by law to be elected or chosen at the annual town meetings are to be elected by ballot by the electors of the towns respectively at the general election; and the terms of office of the persons elected commence and determine on the first day of January, and the fiscal year in said towns commences on the first day of January. The board of town auditors meets annually, for the purpose of auditing the accounts of town officers, at the office of the town-clerk on the last Tuesday of December in each year at 2 P.M., except when the same is Christmas-day, in which case the meeting is held on the following day; and the supervisor and all other town officers or boards of town officers who receive or disburse any moneys belonging to the town, account for the same, under oath, to such board of town auditors annually at such meeting. Each of said towns, containing more than 500 electors, comprises one or more election districts, as the supervisor, town-clerk, and assessor thereof may deem necessary or proper. There is provided at the polling-place in each election district, at the general elections held therein, a separate ballot-box marked with the word "town," in which are deposited all ballots correspondingly indorsed, and containing the names of all town officers to be chosen at such election; which ballots are canvassed and counted immediately after the completion of the canvass of the votes in the other boxes used at the election; and the inspectors make one certificate or statement only of the result of the canvass of votes for town officers, and forward it within twenty-four hours thereafter to the town-clerk. This election for town officers is conducted in the same manner as elections for state and county officers, and all provisions of law affecting these elections extend to these town elections so far as applicable. In each of these towns, containing more than one polling district, the justices of the peace attend at the town-clerk's office on the second day after the election at 10 A.M., and proceed to canvass the votes for town officers as the same have been certified as just stated; and the town-clerk acts as clerk in the canvass, and enters in his record a statement of the number of votes for each candidate in the several districts, and of the officers elected or chosen, which record is signed by him and the justices acting as canvassers. The persons receiving the highest number of votes for the respective offices are deemed to be duly elected thereto, excepting only the inspectors of election for each election district. Only two names for inspectors are placed on any one ballot, and the two receiving the greater number of votes are declared elected, and the third inspector is selected by the justice or justices from the two persons in such election district who have the highest number of votes next to the two inspectors so elected. In towns having but one election district, the selection of the third inspector is made by the town-clerk, and the records of the votes cast, and of the town officers elected or chosen, are signed by him only. If no justice of the peace is present at the canvass, the town-

clerk appoints some suitable person, who is sworn by him faithfully to perform such duty; and if the town-clerk is absent, the justice or justices present appoint a suitable person in his place, who is sworn in like manner, and the persons so appointed possess all the powers and are subject to all the duties and responsibilities of the officers in whose place they are appointed. If any of the returns have not been received, or are required to be returned to the inspectors for correction, an adjournment may be taken from day to day for the purpose of procuring the proper returns. The several boards of registry give ten days' notice of their intention to meet for the purpose of registering the voters of such district whose names do not appear on the registry, which meeting is held on one day only in each district from 9 A.M. until 9 P.M.—not less than five nor more than fifteen days preceding the annual or special town meeting. This annual town meeting is held at 12 o'clock noon, and continues until the final completion of the business, not later than 2 P.M., and in towns having more than one general district not later than sunset. The supervisor and justices of the peace, or a majority of such officers of each town, have exclusive power to accept the resignation of any town officer therein, and to make appointments to fill vacancies, and file the certificate of every such appointment forthwith in the office of the town-clerk. The persons so appointed enter upon their duties so soon as they have duly qualified, and serve until the first day in January, or, in the case of collectors, until the first day of May next succeeding the then ensuing general election. Persons elected to supply vacancies in the office of supervisor, town-clerk, collector, and other offices in said towns, the full terms of which are more than one year, are deemed elected for the full term thereof, commencing on the first day of January, and collectors on the first day of May, next after their election. Except justices of the peace, assessors, commissioners of highways, commissioners of excise, and other like officers, of whom one only is elected in each year, in which last-named cases the persons elected to fill vacancies are deemed elected to serve from the first day of January or May, and only for the then remaining and unexpired portion of the vacated term. The terms of office of constables in these towns are five years from the first day of January; and it is arranged so that only one constable is elected in each year for the full term.

The supervisor of each town receives and pays over all moneys raised for defraying town charges, except those raised for the support of highways and bridges, of common schools, and of the poor where poor moneys are raised. He prosecutes in the name of his town, or otherwise as may be necessary, for all penalties of $50 or under, given by law to each town or for its use, and for which no other officer is specially directed to prosecute. He keeps an account of the receipt and expenditure of all moneys which come into his hands by virtue of his office, in a book provided for that purpose at the expense of the town, and delivered to his successor in office. On the Tuesday preceding the annual town meeting, he accounts with the justices of the peace and town-clerk of the town for the disbursement of all moneys received by him; and at every such accounting the justices and town-clerk enter a certificate in the supervisor's book of accounts, showing the state of his accounts at the date of the certificate. If any supervisor neglect to account, or render a false account, or convert to his

own use any money or securities, proceedings may be commenced against him in the name of the town of which he is supervisor in the supreme court, by action or otherwise, by the justices of the peace and town-clerk of said town, to compel him to render such account, or to recover any money or property which he has not duly accounted for. The supervisor shall attend the annual meeting of the board of supervisors of the county, and every adjournment or special meeting of such board of which he shall have notice. He receives all accounts which may be presented to him against the town, and lays them before the board of supervisors at their next meeting. He also lays before the board such copies of entries concerning moneys voted to be raised in his town as are delivered to him by the town-clerk. Whenever the supervisor of any town is required by the state engineer and surveyor to cause a survey to be made of the bounds of his town, it is his duty, within sixty days thereafter, to cause such survey to be made, and to transmit, by mail or otherwise, a map and description thereof to the state engineer and surveyor. The expense of this survey and map is defrayed by the several towns whose bounds, either wholly or in part, are described thereby, apportioned by the board of supervisors of the county. If any supervisor refuse or neglect to perform the duties enjoined as to survey, &c., he forfeits the sum of $50. Every supervisor executes and delivers, within thirty days after entering upon his office, to the town-clerk of his town his bond, in such penalty and with such sureties as the board of town auditors prescribe, conditioned for the faithful discharge of his duties, &c. The supervisor of a town or of any city ward has power to administer oaths in relation to any matter or thing coming before him or the board of supervisors, of which he is a member, in his or their official capacity.

The town-clerk of each town has the custody of all the records, books, and papers of the town, and duly files all certificates of oaths and other papers required by law to be filed in his office. He transcribes in the books of record of his town the minutes of the proceedings of every town meeting held therein, and enters in these books every order or direction, and all rules and regulations, made by any such town meeting. He delivers to the supervisor, before the annual meeting of the board of supervisors of the county in each year, certified copies of all entries of votes for raising money made since the last meeting of that board, and recorded in the town book. The town-clerks, immediately after the qualifying of any constables chosen or appointed in their respective towns, return to the clerks of their respective counties the names of these constables; and if any town-clerk wilfully omits to make such return, his omission is a misdemeanour, and on conviction thereof the offender is adjudged to pay a fine not exceeding $10. Copies of all papers duly filed in the office of the town-clerk, including those filed with him as clerk of the commissioners of common schools, and transcripts from the book of records certified by him, are evidence in all courts, in like manner as if the originals were produced.

It seems unnecessary to refer specially to the provisions regarding strays.

If dispute arises between the owners of adjoining lands concerning the proportion or particular part of fence to be maintained or made by either of them, it is settled by any two of the fence-viewers. When any question or matter regarding fences is sub-

mitted to fence-viewers, each party chooses one; and if either neglect, after eight days' notice, to make such choice, the other party may select both. The fence-viewers examine the premises and hear the allegations of the parties. In case of their disagreement they select another fence-viewer to act with them, and the decision of any two is final upon the parties to such dispute, and upon all parties holding under them. The decision of the fence-viewers is reduced to writing, contains a description of the fence and of the proportion to be maintained by each, and is forthwith filed in the office of the town-clerk. If any person who is liable to contribute to the erection or reparation of a division fence neglects or refuses to make and maintain his portion of such fence, or permits the same to be out of repair, he is liable to pay to the party injured all such damages as accrue thereby, ascertained and appraised by any two fence-viewers of the town, and to be recovered with costs of suit. The appraisement is reduced to writing, and signed by the fence-viewers making it. If such neglect or refusal is continued for the period of one month, after request in writing to make or repair such fence, the party injured may make or repair the same at the expense of the party so neglecting or refusing, to be recovered from him with costs of suit. Witnesses may be examined by the fence-viewers on all questions submitted to them; and either of such fence-viewers has power to issue subpœnas for, and to administer oath to, said witnesses, and each fence-viewer and witness thus employed is entitled to $1.50 per diem; such fence-viewers, or a majority of them, determine what proportion thereof shall be paid by each of the parties interested in the division fence, and reduce their determination to writing, and subscribe it, and file it in the office of the clerk of the town where such fence-viewers reside: the party refusing or neglecting to pay the fence-viewers, or either of them, is liable to be sued for the same with costs of suit. Whenever the electors of any town have made any rule or regulation prescribing what shall be deemed a sufficient fence in such town, any person who thereafter neglects to keep a fence according to such rule or regulation is precluded from recovering compensation in any manner for damages done by any beast lawfully going at large on the highways that may enter on any lands of such person not fenced in conformity to the said rule or regulation, or for entering through any defective fence. When the sufficiency of a fence comes in question in any suit, it is presumed to have been sufficient until the contrary be established.

In each town the supervisor and town-clerk, together with the justices of the town, or any two justices, constitute a board of auditors to examine the accounts of the overseers of the poor, the commissioners of common schools, and the commissioners of highways of such town, for moneys received and disbursed by them. This board meets for the purpose of examining these accounts annually in each town on the Tuesday preceding the annual town meeting. The accounts so audited are delivered, with the certificate of the auditors, to the town-clerk, to be kept by him on file for the inspection of any of the inhabitants of the town; and they are produced by the town-clerk at the next annual town meeting, and there read by him if so required to do. The justices of the town, or a majority of them, and the town-clerk, on the Tuesday preceding the annual town meeting in each year, examine and audit the accounts of the supervisor for moneys received and disbursed by him; and the ac-

counts so audited are likewise filed in the office of the town-clerk. The board meets for the purpose of auditing and allowing the accounts of all charges and claims payable by the town annually, at the place of holding the last town meeting, on the last Thursday preceding the annual meeting of the board of supervisors of the county; and make in duplicate a certificate, signed by a majority of the board, specifying the name of the person in whose name the account is drawn, the nature of the demand, and the amount allowed. One of these duplicates is delivered to the town-clerk, to be kept on file for the inspection of any of the inhabitants of the town, and the other is delivered to the supervisor, to be laid before the board of supervisors of his county at their annual meeting. The board of supervisors is authorised and directed to cause to be levied upon said town the amount specified in said certificate, in the same manner as other town charges are levied and raised. In 1860, an Act made it the duty of the board of town auditors to audit the accounts of the justices of the peace and constables for fees in criminal cases which are by law chargeable to any such town, and the amount thereof is included in their certificate, and assessed by the board of supervisors of the county upon such town, in the same manner as other town charges. The commissioners of highways in each town, and all town officers who receive or disburse any moneys belonging to their respective towns, on the Tuesday preceding the annual town meeting, account with the board of town officers for all such moneys; and the board of town auditors makes a statement of these accounts, and appends thereto a certificate, signed by a majority, showing the state of the highway commissioners' account, which is filed with the town-clerk, and by him produced at the next annual town meeting and publicly read. There is an appeal by any taxpayer of the town to the board of supervisors of the county in every case where any account of a justice of the peace or town constable for fees in criminal cases is audited by the town board of auditors; and where any such account is disallowed, or the amount thereof reduced, the party presenting it has the same right of appeal. Such parts of town bills audited by the board of supervisors after such appeals as are allowed are assessed, levied, and collected by the board in the same manner as other town charges. In 1875, an Act was passed by which, in addition to the other town auditors, there are chosen at the annual town meetings three town auditors, holding office during one year, who form the board of town auditors for the town in which they are elected. All bills and claims must be presented on the first day of their session. These town auditors are voted for upon the same ballots as other town officers, but only two are voted for on each ballot, and the two persons having the highest number of votes are declared elected; and the person having the next highest number of votes is appointed by the presiding officers of such town meeting, or in case the election be held in election districts, by the supervisor and justices of peace of such town, or a majority of them, as the third such auditor. Only freeholders of the town can be elected, and no such auditor shall hold any other office in such town during his term as auditor. Each of the three auditors receives for his services $3 per day for each day (not exceeding three) actually employed in the performance of his duties. In towns having a population of over 6000, they may sit not exceeding six days. The supervisor of the particular town may fill vacan-

cies occurring by appointing some suitable and competent person. By subsequent Acts, passed in different years, numerous towns have been specially exempted from the provisions and operation of the Act of 1875.

The following town officers receive pay as follows:—

Pound-masters get these fees: (1) for taking into the pound and discharging therefrom every horse, ass, or mule, and all neat cattle, 12½ cents each; (2) for every sheep or lamb, 3 cents; (3) for every hog, 6 cents. The supervisor (except when attending the board of supervisors), town-clerk, assessors, justices of the peace, overseers of the poor, inspectors of elections, and clerks of the polls, receive $2 per day for each day's service performed by each or either of them.

In legal proceedings the town sues or is sued by its name, except where town officers are authorised by law to sue in their name of office for the benefit of the town. In proceedings against towns by name, the service is on the supervisor of the town, and whenever suit is so commenced, it is the duty of the supervisor to attend to the defence thereof, and to lay before the electors of the town at the first town meeting a full statement of such suit or proceeding for their direction in regard to the defence thereof. On the trial of every action in which a town is a party or is interested, the electors and inhabitants of such town are competent witnesses and jurors, except that in suits and proceedings by and against towns, no inhabitant of either town shall be a juror. Any action in favour of a town may be prosecuted before a justice of the peace, if an individual could, in like circumstances, so prosecute; but no action to recover a penalty given to a town shall be brought before any justice of the peace residing in the town for the benefit of which the same is prosecuted: it may be brought before any justice residing in any other town of the same county. In all suits or proceedings prosecuted by or against towns, or by or against town officers in their name of office, costs are recoverable as in the like cases between individuals. Judgments recovered against a town or against town officers in actions prosecuted by or against them in their name of office are a town charge, and, when levied and collected, are paid to the person to whom the same have been adjudged.

The following are deemed town charges: (1) the compensation of town officers; (2) contingent expenses necessarily incurred; (3) moneys authorised to be raised by the vote of a town meeting for any town purpose; and (4) every sum directed by law to be raised for any town purpose. Accounts for the compensation of town officers and the contingent expenses of towns (except for moneys received and disbursed, which are settled by the board of town auditors) are presented to the board of supervisors of the county. The moneys for defraying the town charges of each town are levied on the taxable property in such town. If any person going out of office, or his executors or administrators, refuse or neglect, when thereunto lawfully required, to deliver the records, books, or papers belonging to the office, he forfeits to the town, for every such refusal or neglect, the sum of $250; and it is the duty of the officer or officers entitled to demand these records, books, and papers, to proceed to compel the delivery thereof. By an Act of 1840, the office of commissioner of deeds was abolished in the several towns of the state, and all their powers and duties are now executed by the jus-

tices of the peace. By chap. 180 of the laws of 1845, the electors of each town were given the power to determine at their annual town meeting whether they would choose one or two overseers of the poor; also one or three highway commissioners. These commissioners have, before entering upon their duties, respectively to execute to the supervisor of his town a bond with two sureties, approved by the supervisor by an indorsement thereon, and filed with him, in the penal sum of $1000, conditioned that he will faithfully discharge his duties, pay over moneys in his hands to his successor within ten days, and render to such successor a true account of all moneys received and paid out by him as such commissioner. Three assessors are elected in each town, but so that one only is elected for the full term of three years in each year; and three commissioners of highways are elected in like manner.

Whenever any damages are to be assessed by law, when any road or highway is laid out, altered, or discontinued in whole or in part, they are assessed by not less than three commissioners, appointed by the county court of the county in which the road is, on the application of the commissioner or commissioners of highways of the town; or in case these commissioners of highways neglect or refuse to so apply for the space of thirty days after having been requested so to do, the county court can appoint the commissioners on the application of any owner of land through which the road has been laid out. The assessment agreed to by a majority of them is valid, and it is delivered to one of the commissioners of highways, who, within ten days thereafter, files it in the office of the town-clerk in said town. By the amendatory Act of 1847, any person conceiving himself aggrieved, or the commissioner or commissioners on the part of the town feeling dissatisfied, by any such assessment, may, within twenty days after such filing, serve a written notice on the town-clerk and on the opposite party—that is, the persons for whom the assessments were made, or the commissioner or commissioners of highways, as the case may be — asking for a jury to reassess the damages, and specifying a time, not less than ten nor more than twenty days from the time of filing the assessment, when the jury will be drawn at the clerk's office of an adjoining town of the same county by the town-clerk thereof. The notice is served upon the opposite party within three days after service upon the town-clerk. At the time and place mentioned this town-clerk, having received three days' previous notice, draws the names of twelve persons from the town's list of qualified jurors, residents of his town, who are not interested in the said lands, nor of kin to either or any of the parties. The certificate of such names is delivered to the party asking for the reassessment, who, within twenty-four hours thereafter, delivers it to a justice of the peace of the town wherein the damages are to be assessed, and it is the duty of this justice forthwith to issue a summons to one of the constables of his town, directing him to summon these persons to meet at a specified time and place; but no meeting is had within twenty days from the time of filing said assessment. Upon the twelve appearing at the time and place fixed, the justice who issued the summons draws by lot six of the persons attending to serve as a jury, and the first six drawn who are free from all legal exceptions are the jury. Being duly sworn, the jury take a view of the premises, hear the parties and witnesses sworn by the

justice, and render their verdict, in writing under their hands, which is certified by the justice, and delivered to the commissioners of highways of the town, and is final. Any person conceiving himself aggrieved by any determination by the commissioners of highways, either in laying out, altering, or discontinuing any road, or in refusing to lay out, alter, or discontinue any road, may at any time, within sixty days after such determination has been filed in the office of the town-clerk, appeal to the county judge of the county; and thereupon this judge, or in case of his residence in the town, or of his interest in the lands through which the road is laid out, or in case he is of kin to any of the persons interested in said lands, or in case of his disability for any cause, then one of the justices of the sessions, after the expiration of said sixty days, appoints, in writing, three disinterested freeholders who shall not have been named by the parties interested in the appeal, and who shall be residents of the county, but not of the town, wherein the road is located, as referees to hear and determine all the appeals that may have been brought within the said sixty days, and notifies them of their appointment, and delivers to them all papers pertaining to the matters referred to them. Upon receiving notice of appointment, these referees possess all the powers and discharge all the duties of judges. Before proceeding to hear the appeals, they are sworn by some officer authorised to take affidavits to be read in courts of record, faithfully to hear and determine the matters referred to them. Each referee receives $2 for every day occupied in trying the appeals. Their decisions shall remain unaltered for the term of four years from the time they are respectively filed in the office of the town-clerk. All damages which may be assessed for laying out or altering any private road, together with the costs of such assessment, are paid by the applicants for such road. The costs of appeals and reassessments are paid by the unsuccessful party.

All orders for the appointment of commissioners or referees are filed and recorded in the office of the town-clerk of the town in which the road is located. All damages which are finally assessed or agreed upon by the commissioners of highways for the laying out of any road, except private roads, are laid before the board of supervisors by the supervisor of the town, to be audited with the charges of the commissioners, justices, surveyors, or other persons or officers employed in making the assessment, and for whose services the town is liable, and the amount is levied and collected in the town in which the road is located, and the money so collected is paid to the commissioners of such town, who pay to the owner the sum assessed to him, and appropriate the residue to satisfy the charges aforesaid. It is the duty of boards of town auditors to make annually brief abstracts of the accounts, and deliver the same to the clerk of the board of supervisors, who causes the same to be printed with the other statements required by law.

The supervisors and justices of the peace for the time being of any town may appoint, in writing, any number of the inhabitants of the town, not exceeding forty, to each fire-engine procured for the extinguishing of fires in the town. These persons are firemen of the town, but no such company is formed in any incorporated city or village; and all such firemen, and all the members of any fire company, or of any hook and ladder company, while they are such firemen or members, are exempt

from serving on juries in courts of record, and, except in cases of war, insurrection, or invasion, from militia duty. After five years' service they are for ever after exempt. Each fire company chooses a captain and clerk, and may establish such by-laws and regulations as may be necessary to enforce the performance by the firemen of their duty, and may impose such penalties, not exceeding $5 for each offence, as may be necessary for that purpose. These penalties may be collected by and in the name of the captains, in any court having cognisance thereof, and when collected are expended for the repair and preservation of the engines and apparatus.

The electors of any town in which there is not a town-house, at any annual town meeting, may, by resolution, vote a sum of money for the purchase of a site for and the building of a town-house, not exceeding in number of dollars twice the number of electors in said town, provided that notice of intention to propose such a resolution has been posted within fifteen days of, and not less than ten days preceding, said meeting in five of the most public places in the town. Upon proper representation of such action, the board of supervisors may cause the sum so voted to be collected with the other expenses of the town, or may require the question to be again submitted to the electors of the town at the next annual town meeting. Conveyances for sites are made to the town; sites are purchased and houses erected by the supervisor, town-clerk, and the justices of the peace, or a majority of them; and the electors may from time to time vote such sums of money as may be necessary to keep any town-house in repair and insured.

Whenever a town has a public debt, consisting of bonds, &c., issued on the credit of the town, it is the duty of the supervisor thereof and he is required to make a report to the board of supervisors of the county at every annual session thereof of the amount of such public debt. This report is in tabular form, specifying the different Acts under which the bonds or debts were issued, with the rate of interest thereon, the amount unpaid at the time of the election of such supervisor, and the amount of debt paid at the date of his said report and coming due during his term of office. This report is published in the annual report of the proceedings of the board of supervisors. The supervisor has also, at the expiration of his term of office, at the annual town meeting for the election of town officers, to make and present thereto a duplicate of his said report, including and adding thereto the amount of bonds issued, and the amounts and interest paid since the date of that report up to the day and date of his term of office, duly attested before a justice of the peace of the town, and this report is filed in the town-clerk's office of the town, subject to the inspection, when required, of any elector thereof. Bonds and coupons paid are cancelled and burned by the town auditors of the town at a meeting held for that purpose within ten days previous to the annual town meeting, and a record thereof is filed, signed by the board, in the office of the clerk of the town. A supervisor neglecting or refusing to perform his said duties is deemed guilty of a misdemeanour, and forfeits, upon conviction, $250, and is imprisoned not exceeding sixty days.

The electors of each town have power at their annual town meeting to direct the erection of one or more houses of detention or lock-ups, and to direct such sums to be raised in such town by tax for the expense of building or of maintaining the same as they may deem necessary.

The electors have also power at any annual town meeting to choose three or five persons to act as a board of trustees of any burying-grounds within the limits of and belonging to the town as said electors may designate, and to authorise and direct the supervisor of the town to convey by deed to this board and their successors in office lands acquired, or to be acquired, for the purpose of burying-grounds. The board of trustees lay out into burial lots these burying-grounds; and within one year after the conveyance to them, cause to be recorded in the office of the clerk of the county in which they reside a plot or plots of the grounds so laid out by them, clearly indicating the number and location of the several lots. These plots are duly certified to under the hands and seals of the chairman and secretary of the board, and acknowledged before an officer authorised to take proof and acknowledgment of deeds. Certain lots are designated and set aside as free for the interment of deceased indigent persons, and, under the direction of a majority of the board, burial lots are sold and conveyed, under the hands and seals of its chairman and secretary, on such terms as may be agreed upon between the parties; and the moneys so realised are expended in improving and preserving the particular burying-ground in which the lots sold are. These provisions do not affect any rural cemetery association, nor any burying-ground for which a special Act of the legislature has made provisions inconsistent therewith.

It is not lawful for a member of the common council of any city in the State of New York, or of a trustee of any village, or the supervisor of any town, to become a contractor under any contract authorised by the common council, board of trustees, or board of supervisors of which he is a member, or be in any manner interested, directly or indirectly, either as principal or surety, in such contract; and no town, county, city, or state officer shall be interested in any contract made by such officer, or be a purchaser or seller, or interested in any purchase or sale by such officer in the discharge of his official duty. All such contracts may be declared void at the instance of the city, county, village, or town interested, or of any other party interested, except such officers themselves.

Whenever any building or other real or personal property is destroyed or injured in consequence of any mob or riot, the city or county in which such property was situated is liable for the damages sustained by reason thereof, provided such destruction or injury was not occasioned, or in any manner aided, sanctioned, or permitted, by the carelessness or negligence of the party or corporation, the party whose property was thus destroyed or injured; and provided such party has used all reasonable diligence to prevent such damage, and has notified the mayor of such city, or the sheriff of such county, immediately after being apprised of any threat or attempt to destroy or injure his or their property by any mob or riot, of the facts brought to his knowledge. Upon receipt of such notice, it is the duty of such officer to take all legal means to protect the property attacked or threatened; and any such officers refusing or neglecting to perform such duty are liable to the party aggrieved for such damages as he may have sustained by reason thereof, provided he elects to bring his action against such officer, instead of such city or county; and these provisions do not prevent action being brought against each and every person engaged, or in any manner participating, in the riot or mob. Suit must be brought within three months after the loss or injury.

Each town and city and village may, by resolution duly adopted by their common council, board of trustees, and town auditors respectively, establish and maintain a free public library therein, with or without branches, for the use of the inhabitants thereof, and provide suitable rooms therefor, under such regulations for its government as may from time to time be prescribed by the board of town auditors of the town, or the city council, or the board of trustees of the village. When any village establishes a library thus, it is exempt from any charge for the establishment or maintenance of any library in the town in which it is situated. Any town or city or village may appropriate money for suitable buildings or rooms, and for the foundation of the library a sum not exceeding $1 for each of its legal voters who voted at the last annual election therein ; and may also appropriate annually for the maintenance and increase thereof, or of any public library duly organised under the laws of the state, in said town, city, or village, a sum not exceeding 50 cents for each of its legal voters as aforesaid ; and may receive, hold, and manage any devise, bequest, or donation for such free public library. The moneys thus appropriated are audited, assessed, levied, and collected as other town, village, or city charges. But no such money is appropriated unless a majority of all the taxable inhabitants of the town, city, or village where the library is to be located petitioned for its establishment. In obtaining signatures or consents to this petition, reference is had only to the last preceding assessment roll of the town, city, or village ; and when the genuineness of the signatures, and the fact that the signatures constitute a majority of the taxpayers as aforesaid, are proven to the satisfaction of the judge of the county in which the library is to be located, the sufficiency of which proof is certified by such county judge, the petition or consent, together with the certificate, is filed by the clerk of such town, city, or village, in the county clerk's office of the county in which the library is to be established.

If twenty-five freeholders in any town or incorporated village present to any justice of the supreme court, having jurisdiction therein, an affidavit subscribed and sworn to by themselves, setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have reason to believe that the moneys of such town or incorporated village are being unlawfully or corruptly expended, it is the duty of such justice, upon ten days' notice to the supervisor, or supervisors, if more than one, and the particular disbursing officer, if any, of such town making the expenditure, or the trustees and treasurer of such incorporated village, to make a summary investigation into the financial affairs of such town or incorporated village ; and experts may be appointed to make this investigation, and the results are published in the manner the judge deems proper.

The supervisor of each town, ward, city, or district for which a supervisor is elected, on or before the 1st day of May in each year, makes an accurate list of every corporation, joint-stock company, and association, incorporated by this or any other state or country, located or doing business in such town, ward, city, or district for which he is elected, and forthwith forwards it to the comptroller of the state, verified by oath, to the effect that such list is full and complete, to the best of his knowledge, information, and belief.

No municipal corporation shall in any manner loan or give its credit to or in aid of any individual association

or corporation; and no municipal corporation of any city or village shall borrow money or contract debt except in the manner provided by law, and every evidence of debt issued by any such corporation is void unless issued in conformity to law. No municipal corporation of any city or village shall contract any debt the amount of which, exclusive of the debt owing at the passing of chap. 603 of the laws of 1853, shall exceed at any time a sum equal to 5 per cent; nor, inclusive of such debt, shall the same exceed 8 per cent of the aggregate valuation of the real estate within its bounds, to be ascertained by such last corrected valuations of the assessors of such corporation, as established by the board of trustees, common council, or board of supervisors, as the case may be. No money shall be borrowed on temporary loan except in anticipation of the taxes of the current fiscal year, and the same shall always be made payable, and shall be paid, within eight months from the time when made. No funded debt shall be contracted by any municipal corporation unless it be for a specific object expressly stated in the ordinance proposing the same, nor unless such ordinance shall have been passed by two-thirds of all the members elected to the common council or board of trustees, and shall have been submitted to, and approved of by, a majority of the taxpayers of any such city or village at a special election appointed for that purpose by the common council or board of trustees, nor unless the legislature shall by law have ratified such ordinance, and shall have provided for levying and collecting annually a tax which shall be sufficient to pay the interest accruing upon the debt; and also an additional sum which shall be equal to at least 5 per cent of the total amount of the debt, which latter sum shall constitute a sinking fund for the redemption of the principal of the debt. This sinking fund shall be and remain sacred and inviolate for that purpose, and the annual tax shall be levied and collected until sufficient is realised to pay and extinguish the principal and the funded debt, and the interest thereon. By chapter 300, laws of 1870, in all cases where bonds of any town, village, or other municipal corporation are issued according to law, and the payment of the principal or interest is not otherwise paid or provided for, the same are a charge upon the real and personal property of such towns, villages, or municipal corporations, and shall be assessed, levied, collected, and paid in like manner as other debts, obligations, and charges against such town, village, or municipal corporation, except that in villages a particular mode is prescribed. An Act of 1874 authorised a majority of the electors voting at any annual town meeting, or any charter election of the village, to raise by tax the sum specified by the vote for the purpose of buying and cancelling said bonds, or of providing a sinking fund for the ultimate payment of the bonds. The town board, consisting of the supervisor, town-clerk, and justices of the peace in towns, or the village trustees in villages, meet at least twenty-five days before the annual town meeting or village election, and determine by a majority what amount shall be so annually raised, and give notice of such voting by posting at least five notices in public places in the town or village, setting forth the time of such voting, the amount to be raised, and the purpose for which the same is raised. The result of the voting is operative until changed by another vote of the electors. The money so raised is used in buying the bonds at their par value, or if that cannot be done, it is paid over to the county

treasurer, who loans it at the legal rate of interest, secured by mortgage on unencumbered real estate for a term equal to that the bonds have to run, or invests it in bonds of the State of New York or of the United States. At maturity of the town or village bonds, said money is applied to their payment by the supervisor of the town or president of the village, who receives it from the county treasurer, giving security for the same in double the amount received, and purchases or pays the bonds, and cancels them in presence of the town board or village trustees, as the case may be. By an Act of 1878, bonds may be paid up or retired by the issuing of bonds of the same amount; provided, however, that such new bonds shall only be issued when the existing bonds can be retired or paid by the substitution of new bonds or by money realised thereon in the place and stead of existing bonds bearing a lower rate of interest than the bonds authorised to be retired or paid. Holders of the old issue may exchange their bonds for bonds of the new issue at a lower rate of interest, and the date of payment of such substituted bonds may be extended for a period not exceeding thirty years beyond the time when the principal of the bonds surrendered would have become payable. Whenever any bonds of any village, city, town, or county become due and payable, or in anticipation thereof, the officers or boards may, in their discretion, cause to be issued new bonds having not more than thirty years to run, provided, however, such new bonds shall be sold at public auction after due notice as required by law in the case of the sale of mortgaged real estate under a decree of foreclosure in the supreme court, at not less than par. No new bonds shall, in any case, be sold except at a lower rate of interest than that borne by those due and payable. The principal of such bonds may be made payable by instalments yearly, or in periods of years. The city and county of New York, the city of Brooklyn, and the county of Niagara, except the town of Niagara, are exempt from the provisions of this Act.

If a final judgment for a sum of money, or directing the payment of money, is recovered against any county, town, city, or incorporated village, and the same remains unpaid, and the execution thereof is not stayed as required by law, or if so stayed the stay has expired, it is the duty of the board of supervisors, or of the common council, or of the trustees of an incorporated village, to assess, levy, and cause to be collected, at the same time and in like manner as other moneys, for the necessary expenses of the county, town, city, or village, as the case may be, an extra sum of money sufficient to pay the said judgment, with the interest thereupon, and the fees and expenses chargeable by law upon the execution, if any, issued to collect the same. No restriction or limitation imposed by law as to the sum to be raised in any year in any city or village applies to the moneys thus to be raised, but these moneys are raised in addition to any sum so restricted or limited. In the city of New York the powers and duties devolved upon the common council of a city are exercised by the board of estimate and apportionment.

Section 11 of article viii. of the constitution of the State of New York forbids any county, city, town, or village to "give money or property, or loan its money or credit to, or in aid of, any individual, association, or corporation, or become, directly or indirectly, the owner of stock in, or bonds of, any association or corporation, nor shall any such county, city, town, or village be allowed to incur

any indebtedness except for county, city, town, or village purposes." This section was added in 1874, and practically abrogated a number of Acts, from time to time previously passed by the legislature, authorising a majority of the taxpayers of any municipal corporation (*i.e.*, city, town, or incorporated village) who were taxed or assessed for property, not including those taxed for dogs or highway tax only, upon the last preceding assessment-roll or tax-list, and who were assessed or taxed, or represented a majority of the taxable property upon said last assessment-roll or tax-list, to present a petition duly verified by one of the petitioners to any judge of the supreme court at any special term of said court (previous to the Act of 1872 it had been the county judge of the county), setting forth, *inter alia*, that they desired that such municipal corporation should create and issue its bonds to an amount named in the petition, and invest the same, or the proceeds thereof, in the stock or bonds (as said petition might direct) of such railroad company in this state as might be named in the petition. Any solvent corporation or company assessed or taxed as aforesaid might join in this petition, and had all the rights and privileges as other taxpayers. Any person, partnership, or corporation upon whom it should have been intended to levy a tax by virtue of said last assessment-roll and tax-list, under whatever name, and who should have paid, or was liable to pay, such tax thus intended to be assessed and levied, should be a taxpayer entitled to represent the property thus taxed. This petition might be absolute or conditional; and if conditional, the acceptance of a subscription founded on such petition bound the railroad company accepting it to the observance of the condition or conditions specified in the petition; provided, however, that the non-compliance with any condition inserted in such petition should not in any manner invalidate the bonds created and issued in pursuance of such petition. No municipal corporation should issue its bonds for a greater amount than 20 per cent of the taxable property thereof, as appeared on its said last assessment-roll or tax-list. Three freeholders, residents and taxpayers within the corporate limits of the corporation, were appointed commissioners, and held their offices for five years, and until others were appointed. A majority of these commissioners formed a quorum, and each commissioner received $3 per day for each day actually engaged in the discharge of their duties and their necessary disbursements, audited and paid by the usual disbursing officer of the municipal corporation. It was the duty of these commissioners, with all reasonable despatch, to cause to be made and executed the bonds of such municipal corporation, attested by the seal of such corporation affixed thereto, or, if it had no seal, by their individual seals, and signed and certified by said commissioners. These bonds should become due and payable at the expiration of thirty years from their date. The savings banks of the state were authorised to invest in said bonds not to exceed 10 per cent of their deposits. All taxes, except school and road taxes, collected for the next thirty years, or so much thereof as might be necessary, in any town, village, or city, on the assessed valuation of any railroad in said town, village, or city, for which said town, village, or city had issued bonds to aid in the construction of said railroad, should be paid over to the treasurer of the county in which said town, village, or city lay; and it was the duty of the treasurer with this money, including interest

thereon, to purchase the bonds of the town, issued by it, to aid the construction of any railroad, when the same could be purchased at or below par. The bonds so purchased were immediately cancelled and deposited with the board of supervisors. In case the bonds could not be purchased at or below par, the treasurer invested the money, with the accumulated interest thereon, in the bonds of the state, or of any city, county, town, or village thereof, issued pursuant to the laws of the state, or in bonds of the United States, to be held as a sinking fund for the redemption and payment of the bonds issued in aid as aforesaid. These railroad commissioners subscribed, in the name of the municipal corporation which they represented, to the stock or bonds of the railroad company named in the petition (as the petition might direct), to an amount equal to the amount of bonds so created by them, and paid for the same by exchanging the said bonds therefor at par; or they might, at their discretion, sell and dispose of the said municipal corporation bonds at rates not less than par, and invest the proceeds thereof in such stock or bonds of such railroad company, as might be directed in said petition. They represented, either in person or by proxy, such municipal corporation at all meetings of such railroad bondholders or stockholders. Such stock or bonds so purchased might be sold by the commissioners before the maturing of the bonds of the municipal corporation, only upon the order of the county judge of the county, made upon the petition of a majority of the taxpayers of said municipal corporation, representing a majority of the taxable property thereof; and the proceeds from such sale should be forthwith paid by them to the treasurer (or other proper officer) of such municipal corporation, to be by him invested in a sinking fund. These commissioners might vote for directors on the stock of such town, village, or city. The bonds of any municipal corporation, issued as aforesaid, are a charge upon the real and personal estate within the limits thereof, and the principal and interest thereof, when due (or as much thereof as shall fail to be met by the interest on such railroad bonds, or the dividends on such railroad stock or the said sinking fund), shall be collected and paid in like manner as other debts, obligations, and charges against the said corporation. The said commissioners should also provide, within three years from the time of issuing said bonds, for the annual payment of at least 1 per cent of the same to constitute a sinking fund, so as to secure the final liquidation of the bonds within twenty-five years after their date; and for that purpose they should receive and apply annually the surplus dividends on the stock held by said towns, over the amount necessary to pay the annual interest on said bonds; and if the amount of such surplus dividends was not sufficient for the annual payment of said 1 per cent, and the commissioners should not have received sufficient from the sale of the stock belonging to the town to pay the same, and from other sources, then the deficiency should be reported by the commissioners to the board of supervisors, to be levied and raised annually in the manner provided for paying the interest on these bonds. The treasurer (or other proper officer) of the municipal corporation has the custody of the bonds or certificates of stock, and collects the interest or dividends thereon; and applies the same towards the payment of the interest upon the said corporation's bonds, any surplus going to make up a sinking fund for the redemption of

the principal of the corporation bonds. In case the stock or bonds purchased by the commissioners are sold, the proceeds thereof are likewise invested in a sinking fund by the treasurer or other proper officer; and if not sold when the bonds issued by the commissioners mature, the commissioners sell the same, or so much thereof as is necessary, to pay the outstanding principal sum due on such bonds in full, and pay the proceeds thereof to such treasurer or proper officer, to be by him applied to the redemption and payment of such bonds. The bonds issued are registered in the office of the county clerk of the county in which such corporation is situated, and have the words, "registered in the county clerk's office," written or printed upon them, attested by the official seal of said clerk. It was competent for any railroad corporation to enter into any agreement with the commissioners, limiting and defining the times when, and the proportions in which, the bonds or their proceeds should be delivered to said corporation, and the place or places where, and the purpose for which, such bonds or their proceeds should be applied or used. The commissioners should not be compelled by any court to deliver such bonds or their proceeds until such agreement should be executed, if required by them. But in case the commissioners and the railroad corporation could not agree, or in case the commissioners refused to make any agreement, then in either case the supreme court at general term might determine upon what terms and conditions the bonds should be delivered, and have power to compel such delivery by the usual process of the court. Review of the proceedings should be by *certiorari*. The railroad commissioners were required to present before the board of auditors of their respective towns, cities, or villages, whose duty it is annually to examine and audit the receipts and disbursements of either town, city, or village officers, at each annual meeting of said boards of town auditors, or the auditing board of any city or village, all such bonds and coupons thereof which have been paid by them respectively during the year then ending; also to render a written statement or report annually to said board, showing in items all their receipts and expenditures with vouchers. All bonds and coupons so presented and cancelled are deposited for safe keeping and future reference in the office of the clerk of the county in which such towns, cities, or villages are respectively situated; and said boards of town auditors or auditing boards prepare and sign a certificate showing a full description of all bonds or coupons so cancelled and deposited by them, and file this certificate in the office of the clerk of their respective towns and villages, and in cities in the office of the clerk of the city. The railroad commissioners, within ten days after entering upon the duties of their office, and before receiving any funds belonging to the town, &c., make and deliver to the clerk thereof a bond in such penalty and with such sureties as the board of auditors prescribe, conditioned for the faithful discharge of their official duties. No commissioner of a town is eligible to the office of supervisor thereof. In 1875 were passed "An Act to authorise towns, cities, and villages to pay their bonds issued for railroad purposes by exchanging therefor their railroad stock or bonds, and to exchange their stock of any railroad corporation for the bonds of such corporation;" and also "An Act to provide for the sale of stock and bonds of bankrupt railroad companies by municipal corporations holding the same, and for the dis-

position of the proceeds of such stock or bonds." By the laws of 1877, chap. 349, it was made the duty of the railroad commissioners to report annually the total amount of bonds issued by the town, city, or village represented by such commissioners, the date and time when the principal of the bonds will become due, the rate and times of payment of interest thereon, the amount of such principal or interest paid, the amount of said principal or interest due and unpaid and to become due before the annual tax levy and collection of tax for the year next succeeding, and the amount in their hands applicable to the payment of the principal of said bonds or the interest thereon. This report, signed and with an affidavit (affixed thereto) of at least one commissioner that it is in all respects true and correct, is delivered to the board of supervisors of the county within three days after the commencement of the annual meeting thereof. It is the duty of this board, at the annual meeting when this report is received, to cause to be levied and raised by tax on the taxable property of said town, city, or village, the amount necessary to pay the principal and interest due and to become due at any time prior to the annual tax levy and collection of tax for the year then next succeeding, as shown by said report, after deducting moneys on hand for the purpose. The amount thus raised, and such other moneys, are paid over to the said commissioners, and by them applied to the purpose for which it was collected; but before any money is so paid to the commissioners, they shall severally execute to the town, city, or village, and deliver to the town, or city, or village clerk, as the case may be, a bond with two or more sureties in double the amount of the money to be so received by them, as near as can be ascertained, conditioned for the proper and due disbursement of such money, and the proper accounting therefor, which bond shall be first approved by the supervisor or the county judge, and by the mayor or president of cities or villages; and said bond shall be renewed annually. It is the duty of the commissioners to pay the principal and interest of bonds at their maturity, to cancel the bonds or interest coupons as paid, and to keep a full record thereof, to be at all times open to the inspection of the supervisor, members of the board of town auditors, and justices of the peace of the town, or members of common councils, or trustees of cities or villages; and the commissioners roport in writing to the board of town auditors at their annual meeting, and to the common council or trustees of cities or villages on the first day of April of each year, the date, number, and amount of all bonds and interest coupons paid by them and cancelled during the past year and since their last report, and at the same time produce and deliver the bonds and interest coupons cancelled, taking a receipt therefor, which sets forth the date, number, and amount of each bond or coupon. A duplicate of this report is filed at the same time with the clerk of the town, city, or village. The town auditors, and common council or trustees, as the case may be, indorse upon the report that the bonds and interest coupons mentioned therein, duly cancelled, were received, if such is the case; and if all or any of them are not so received, so state in the indorsement. They then deposit the cancelled bonds and coupons, with the report, in the office of the clerk of the county for safety. The provisions of this Act do not apply to certain counties. In 1880 an Act authorised and empowered the several towns, cities, and villages in certain counties to

sell and transfer all or any portion of the capital stock of certain railroad companies owned by them, or either of them, or in any railroad whatever, located in said towns, cities, or villages. The railroad commissioners, or the supervisor in towns where there are no railroad commissioners, may make a sale and the necessary transfer at such times and on such terms as to them shall seem advisable: provided the sale has the approval and consent in writing of a majority of the justices of the peace in all towns where the supervisor acts as such commissioner, and in all other towns of the supervisor and a majority of the justices of the peace of such towns, or the like approval and consent of a majority of the trustees of any village, or in any such case the approval and consent in writing of the county judge of the county in which such town or village is situated, which consents shall state the terms of sale, be acknowledged in the manner required for the acknowledgment of conveyances of real estate for record, and be filed and recorded in the clerk's office of the said county. But no such sale or transfer is made by the commissioners of any city until the following provisions have been fully complied with —viz., whenever commissioners receive any proposition for the sale of the whole or any portion of said stock, they shall notify in writing the common council of the city for which they have been appointed as aforesaid, of the terms and provisions of such proposed sale. The commissioners shall not make a sale unless said common council, at a regular or special meeting, by a vote of the mayor and two-thirds of all the aldermen elected of said city, shall approve and consent to it. After the commissioners give such notice, the city clerk shall cause it to be published in the official paper or papers of the city, if there be any, at least twice; and the common council shall not approve or consent to such proposed sale at any regular or special meeting unless said notification has been published at least twice in the official paper or papers of the city, if there be any. But no sale and transfer shall be made until the official record of all such proceedings, containing the notice of the commissioners and the vote of the mayor and common council thereon, shall have received the approval and consent of the county judge of the county in which the city is situated. Laws of 1881, chap. 522, enacted that the then bonded indebtedness of any village, city, town, or county, created to aid in the construction of any railroad, may be paid up or retired by the issue of new bonds for like amount by the board of trustees, mayor and common council, town board, board of supervisors or supervisor, or railroad commissioners, or officer or officers then having in charge, according to law, the payment of interest and principal on bonds proposed to be retired respectively of such villages, &c.: provided such bonds are issued only when old bonds can be retired by the substitution therefor of new bonds, or paid up by money realised on the sale of new bonds; and provided the new bonds bear interest not exceeding 5 per cent per annum, payable semi-annually. Such new bonds are made payable at any period deemed advisable by the officers issuing them, not less than two years nor more than thirty years from their date, and bear date and draw interest from the date of the payment of existing bonds, or the receipt of money to pay existing bonds, and shall be issued in no case at less than for their par value. All new bonds issued under the provisions of this Act are exempt from taxation for town, county,

municipal, or state purposes, until the period when they are made payable.

It will be noticed that, notwithstanding section 11 of article viii. of the constitution, added in 1874, a number of the Acts referred to were passed subsequent to that date. This was because what had been done could not be undone summarily, and transactions under the Acts passed previous to that date were of magnitude, and necessarily continued to exist and could not be cancelled until the bonds were redeemed, which the Act of 1881 shows was and is not likely to be for quite a number of years.

VILLAGES.

By the Act of 1870, chap. 291, any part of any town or towns, not in any incorporated village, containing a resident population of not less than 300 persons, and if it include in its boundaries a territory of more than one square mile in extent, containing a resident population of not less than 300 persons, in each and every additional square mile of territory included within such boundaries, may be incorporated as a village. The persons desiring such incorporation cause an accurate survey and map and verbal description, by metes and bounds, of the territory intended to be included within the village, to be made and duly verified by a practical surveyor. They then cause an accurate census to be taken of the resident population of the territory, on a day not more than twelve weeks previous to the time of the election upon the question of incorporation, and this census is also duly verified. A correct copy of the verbal description is made and likewise verified, to be safely kept by some one of the parties causing the survey to be made. The survey, map, verbal description of boundaries, and census, completed and verified, are left at the residence or place of business, within such territory, of some person residing therein, and are subject to examination at all reasonable hours by persons residing in such territory for the period of at least five weeks prior to the time of the election upon the question of incorporation as fixed or to be fixed in the notice. (These provisions as to description, &c., are not deemed to apply in any case where the whole of any town is proposed to be incorporated.) Thereafter, in case of the proposed incorporation of any part of a town or towns, or after a vote in favour of such incorporation of the whole town, at a regular or special town meeting of the voters thereof, in case of the proposed incorporation of the whole of such town as a village, a notice is prepared stating that, between the hours of 10 A.M. and 3 P.M. on a certain day specified, at some public place within the bounds of the proposed village, designating such place, such day to be at least five weeks from the time of leaving the survey, map, &c., for examination as stated, or in cases of the proposed incorporation of a whole town not less than six weeks from the time of posting the notice, an election will be held to determine whether the proposed territory shall be incorporated as a village. This notice also states the proposed name of the village, set out in the verbal description of its bounds, and gives the amount proposed to be expended the first year of the incorporation for ordinary expenditures, and is signed by at least twenty of the electors resident within the bounds of said proposed village who are liable to

be assessed for the ordinary and extraordinary expenditure of said village. If the territorial limits of the village comprise parts of two or more towns, then of such twenty electors there shall be at least five from each of said towns, who shall reside in the part of the same to be taken for such village. The notice so signed is published in a newspaper, if there is one within the proposed bounds of the village, and copies of it are posted in ten public places within said bounds at least thirty days before the day of election specified in the notice. At the election the supervisor and town-clerk of the town, or supervisors or town-clerks of the towns, parts of which are taken for the village, or any two of these persons, constitute the board of inspectors for the election, preside at the election, and all the laws applicable to the election of town officers generally apply to this election. Every elector residing in such territory, and qualified to vote for town officers in the town in which such territory or some part thereof lies, may vote by a ballot having thereon the word "Yes" or the word "No." Within three days after the election, the said board of inspectors make out a certificate in proper form, which is signed by them, and verified by their affidavit annexed thereto; and within ten days after the election it is filed and recorded in the county clerk's office of the county, or filed with the county clerk of each of the counties in which the territory is located. Within ten days after such filing, any elector qualified to vote at such election may appeal to the county judge of the county, or of either of the counties, in which the territory is located, by petition specifying the irregularities in and objections to such election. Such judge, on proof by affidavit that the petition, or notice of it, has been served on the electors signing the notice for holding the election, or a majority of them, and that the person appealing has deposited with the county clerk of the county in which the territory is located $100 to meet the expenses of the appeal, appoints a day for hearing the same not more than ten days from the day of bringing the appeal; and on such day, on proof by affidavit that the electors signing the election notice, or a majority of them, were notified in writing, five days before such hearing of such hearing, proceed to hear the same; and he has power by subpœna to compel the attendance of witnesses before him on that day or on adjourned days. His decision as to the legality or illegality of the election shall be rendered within thirty days from the day of presenting the petition of appeal to him. Any allowance for expenses out of the $100 deposited must be made within ten days from such decision, otherwise the full sum is returned to the depositor. If the election is decided to be legal, the judge files an order to that effect in the county clerk's office, or in each county clerk's office, within ten days from the day of making decision. If he decides it illegal, he forthwith files an order, in similar manner, directing another election to be held to determine the question of the incorporation. This new election is held on notice thereof, signed by some one or more of the designated inspectors of election as to incorporation, published or posted, as described in relation to the previous election, for at least fifteen days before the election.

If the majority of the ballots at the first election have on them the word "Yes," and no appeal is taken, then such territory is an incorporated village within the intent of this Act, from the time of the filing of the certificate of the inspectors. If an appeal be taken, and decided favourably, the territory is an incor-

porated village from the date of the filing of the inspectors' certificate. If the appeal be decided adverse to the election, and the second election result in a majority of the "Yes" ballots, then from the date of the filing of the inspectors' certificate such territory is an incorporated village within the meaning of this Act. No appeal is allowed from such second election. If at either of these elections a majority of the ballots cast have on them the word "No," the territory is not an incorporated village, and in that case no second election can be held within two years from the time the first election was held.

The inhabitants of any village thus incorporated are a corporation by the name stated in the notice of the election, incorporated in the certificate of the inspectors of election filed as aforesaid, and may sue and be sued, complain and defend, in any courts by such name; may make and use a common seal and alter it, and receive by gift, purchase, grant, devise, or bequest, subject to all provisions of law relating to devises and bequests by last will and testament, and hold and convey such real and personal estate as the purposes of the corporation may require, as may be authorised by law. Within twenty days after the day of incorporation, the inspectors of the first election, or a majority of them, publish in a newspaper, if one is published in said village, and post in ten public places in such village, a notice stating that on a day fixed, and at a place named in such village, and between certain hours, an election will be held for the election of such village officers as shall be required to be elected. This notice is published (if published at all in a newspaper) and posted, at least fifteen days before the time of holding such election. The election is held for at least the space of four hours uninterruptedly, between 10 A.M. and 4 P.M., and the notice of election shall state the hours of opening and closing the polls, and the names of the offices to be filled. The persons presiding as inspectors, or a majority of them, at any election after the village is incorporated, immediately canvass the votes, openly declare the result, and make and subscribe a certificate of such canvass, showing the whole number of votes given, the number given for each person voted for, and the office for which he has been voted for, which certificate is recorded in the records of the village. The person eligible, and having the greatest number of votes for any office, is deemed elected to such office. In cases of ties, the person presiding at the election forthwith determines by lot, in the presence of the other inspectors, or a majority of them, which shall be deemed elected, and sets forth such fact in the certificate of the result made by them. This provision applies to all subsequent elections.

The officers of a village thus incorporated are as follows, unless otherwise directed:—

A president.
Three trustees, and if the population exceeds 2000, and the board of trustees so direct, an additional trustee for each 500 over the 2000 until the entire number of the trustees, exclusive of the president, shall be nine.
A treasurer.
A clerk.
A collector.
A street commissioner.

The president, treasurer, collector, and one-half of the trustees, if an even number, are elected annually by the electors of the village, and, if an odd number, the smallest majority of them are so elected at one annual

election, and the largest minority at the next annual election. The clerk and street commissioner are appointed annually by the board of trustees. The board of trustees may, if in their judgment necessary, appoint each year a chief engineer of the fire department, one or more assistants, one or more fire wardens, one or more police constables, and a sealer of weights and measures. All officers elected or appointed hold their respective offices one year, except the trustees elected for two years, who hold their offices for two years; and they so hold office unless sooner removed or disqualified, and until their successors are elected or appointed and qualified. The inspectors of election or the clerk of the village notify the persons elected of their election, within five days; and every person elected or appointed who neglects to file the oath of office required, for five days after such personal notice in writing, is deemed to have declined the office, and his place may be filled as in case of a vacancy. This oath is filed with the village clerk before entering upon official duties. No person is eligible to any office unless he is at the time a resident and elector of the village; and whenever any officer ceases to be a resident thereof, his office becomes vacant. No person is eligible as president or trustee unless owning property liable to be assessed for the expenditure of the village. The board of trustees may fill vacancies. The treasurer, collector, street commissioner, police constable, and such other officers as may be required by the board of trustees, before they enter upon the duties of their respective offices, severally execute and file with the village clerk a bond to the village, in such a sum and with such securities as the board of trustees approve, conditioned that they will faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively. All inhabitants of the village qualified to vote at town meetings, who have resided within the bounds of the village thirty days next preceding such election, are entitled to vote for all officers to be elected, and at all elections, unless otherwise directed by law; but no person shall vote upon any proposition to raise a tax or appropriate the same, or purchase property, unless he at the time is liable to be assessed for such tax in his own right, or in the right of his wife. Any officer appointed by the board of trustees may be removed by the board for misconduct, on notice to such officer, and opportunity given him to make his defence. The election of corporation officers is held annually on the third Tuesday of March at 1 P.M., and continues till sunset, at a place designated by the trustees. At least six days' notice is given by the trustees prior to the election, by posting notices in six conspicuous places in the village by the clerk, or some one appointed by the trustees if there is no clerk. In case the trustees neglect to appoint a place, the election is held at the place of the last preceding annual election. But any village thus incorporated may change the date of the annual election to some other day, provided, however, that such change is made upon the written application of the voters representing a majority of the taxable property of the village, directed to the board of trustees, requesting that the question of such change be submitted to a vote of the duly qualified voters of the village. Upon the presentation of this application, the board of trustees causes written or printed notices to be posted up in at least six conspicuous public places in the village, stating the object of the election and the date and time on which it is to be held, which shall

not be less than thirty nor more than sixty days from the time of posting the notices. The board of trustees preside at this election, canvass the votes cast, declare the result thereof, and file a certificate thereof, signed and sworn to by them in the office of the clerk of the village. A majority of the votes changes the day. The trustees of the village, after the first election of officers, are the inspectors of election for the village, and one or more of them preside at all elections. In case a trustee or the clerk be not present, the electors may appoint a chairman to preside, who has all the powers of an inspector. The return of every election after the elections as to incorporation is filed with the clerk of the village.

The board of trustees meet at such times and place in the village as they, by resolution, direct. Special meetings may be called by the president or by the clerk, on the written request of two trustees, at such time and place as the written notice served on the trustees directs. This notice shall be served at least one hour before the time of meeting. The president, when present, presides and has a vote on all questions; in his absence, any trustee may be appointed president for the time. A majority of the board constitutes a quorum for transacting business. The trustees have the care, management, and control of the finances and property, and custody of the records and papers and seal belonging to the corporation, and may keep all buildings and other property of the corporation in repair and insured against damage or loss by fire. They have power, as to acts and matters within the corporate bounds, to make, publish, amend, and repeal rules, ordinances, and by-laws for the following purposes:—

To prevent vice, preserve the public peace and order, &c.

To establish and maintain a police, prisons, lock-ups, &c., and to confine persons, &c.

To apprehend and punish common prostitutes, vagrants, &c.

To employ attorneys.

To prevent encumbering the streets, &c.

To prevent or regulate encroachments on streets, &c.

To establish and maintain a public pound, &c.

To restrain the running at large of cattle, &c.

To provide for the lighting of streets, &c.

To erect and maintain fire-engine houses, &c.

To provide for the purchasing and repairing of fire-engines, &c.

To construct and maintain reservoirs and cisterns, and supply them with water for use at fires; protect and preserve property at fires; establish fire limits; inspect chimneys, &c., &c.

To regulate amusements.

To regulate and prevent the running at large of dogs.

To protect trees, remove snow, &c., compel the cleansing of streets, &c.

To regulate swimming and bathing.

To prevent immoderate driving, leaving horses untied, &c.

To regulate the sale of meats, agricultural products, &c., slaughter-houses, storage of gunpowder, &c.

To compel the removal and abatement of public nuisances—the expenses of the village to be a lien upon the lot on or in front of which it was, and to enforce the collection thereof by leasing the premises, as prescribed for the collection of unpaid taxes.

To prohibit or regulate exhibitions or performances for money or hire.

To regulate hawking and peddling, auctions, hacks and public carriages.

To regulate the use of candles, kerosene, or burning materials of any kind, and to control the construction of buildings, as to material, and as to proximity of wooden buildings, &c., penalty not to exceed $1000.

To regulate and control and provide cemeteries.

To keep roads, public buildings, &c., in good order; construct culverts and drains, make and repair bridges; regulate width, &c., of streets, &c.; pave, &c., roads, &c.; lay out and open new roads, &c.; drain stagnant waters, fill in low grounds, regulate water-courses, &c.; build sewers and assess the expense, &c. The amount of the benefit in any case where the expense is assessed is determined by the president and trustees, provided however that no property beyond the limit of 175 feet from the line terminus of any such sewer is held liable to assessment; and provided that no sewer is constructed, except upon a written petition, signed by a majority of the persons whose property is liable to such assessment. Assessments for draining stagnant waters, filling in low grounds, and building sewers, are enforced and collected in the same manner as assessments for the annual village tax.

To prevent the discharge of fire-arms, rockets, gunpowder, and fireworks, in the roads, &c., or in the vicinity of any public building.

To make and establish by-laws, rules, and ordinances; pay the expenses of enforcement out of the corporate funds; and prescribe penalties not exceeding $100 for each offence; but all such by-laws, rules, and ordinances shall be posted in three public places in the village ten days before they shall take effect.

The trustees have power to compel owners and occupants of land, or lots in front of and adjoining which a sidewalk is to be made or repaired, to make or repair as they may prescribe, and within a reasonable time, or themselves to so make or repair, and the expense thereof may be by them assessed on the owners refusing or neglecting, and be collected by warrant issued by the president and trustees, as other taxes are directed to be collected; and in case such tax or assessment is not paid or collected, the trustees may cause such real estate to be leased, or the owner thereof to be sued therefor, and the costs and expenses arising from non-payment, in the manner and with the effect and subject to the provisions in regard to the collection of taxes and assessments by leasing of real estate, or by action at law against the person liable. But this does not prevent the trustees expending money raised in and toward the construction, &c., of sidewalks in the village whenever and wherever they deem the same more for the benefit of all its inhabitants than for such adjoining owners or occupants; provided not over $500 be expended, unless the taxpayers at a meeting specially called for the purpose, upon ten days' notice, at which at least thirty taxpayers are present, authorise, by resolution, a larger expenditure. The resolution adopted at this meeting, duly authenticated, is placed with the records of the village, entered on the minutes of the trustees.

The trustees can organise a fire department and provide for its government and discipline, to consist of one or more engine companies, one or more hook and ladder companies, one or more hose companies, and one or

more protective companies; to appoint a sufficient number of suitable persons as members, not exceeding 60 to each engine company, 45 to each hook and ladder company, 20 to each hose company and protective company, respectively, with the consent of the persons appointed. A foreman and assistant foreman for each company are chosen by the members of each company in the manner directed by the trustees, and subject to their approval and satisfaction. Every member of the fire department, while such member, is exempt from serving in the militia, except in cases of war, invasion, and insurrection; and every person who has served in such fire department five successive years is thereafter entitled to the like exemption from military service; and a certificate of such service, authenticated by the president of the village and the corporate seal, is presumptive evidence before all courts and officers, civil and military, of such exemption. The chief engineer and, in his absence, the senior assistant engineer, have the direction and control of the department, subject to the regulations prescribed by the trustees.

It is the duty of the trustees to take precautionary measures to guard the public health in times of infectious and pestilential diseases, and to guard against them when they appear in the village by providing places for the removal of persons having such diseases from the populous parts of the village, and to pay the expenses incident to such removal, and they have the power to remove such persons; and they have the power to appoint one or more health commissioners, who, with the president, constitute a board of health of the village, which possesses the powers conferred by, and is subject to the provisions of, the Act of the legislature of the State of New York, entitled "An Act for the preservation of the public health," passed April 10, 1850, and acts amendatory thereof, in addition to the powers given by chap. 291, laws of 1870, and otherwise by law.

The trustees audit all accounts, &c., and none are paid unless allowed by them, or after judgment obtained thereon. A certificate is indorsed thereon, or annexed thereto, signed by the president, and countersigned by the clerk of the village, of the auditing and allowing or disallowing the same, in which the sum allowed, and the fund out of which the same is to be paid, are specified. No account or claim is allowed unless made out in items, and accompanied by the affidavit of the claimant that the items of such account or claim are correct as to the service, materials, and disbursements mentioned; and the service and materials were rendered and furnished, and disbursements made for the corporation, and no part of such claim has been paid. The claimant may be examined on oath by the trustees concerning the same. The affidavit and oath may be taken before the president of the village, or any of the trustees, or the clerk of the village, and when verified by either of them, may be read in evidence in any court of the state in the same manner as oaths and affidavits taken and certified by a justice of the peace; but no fees are charged or received therefor by any such president or trustee. The trustees may disallow any account or claim in whole or in part when so made out and verified, and may require other or further evidence of the correctness and reasonableness thereof. Any person wilfully swearing false to any such matter is guilty of perjury. The trustees present to every annual meeting of electors of the village a detailed statement of expenditure for the past year, and of the estimated ordinary expenditure of such village

for the ensuing year, to meet which taxes may be lawfully raised, specifying each item of anticipated expense, which statement is signed by them and filed with the clerk. They, or a majority of them, act as assessors of the village, or appoint from their number a committee for that purpose, and those so acting have the powers of town assessors, and are subject to the laws applicable to the same. The board of trustees cause a map to be made of the village, and cause all new public roads, avenues, streets, and lanes, to which they can give names, to be surveyed and described, and a description thereof recorded in a book kept by the clerk for that purpose. The map so made is kept by the clerk. The board provides a suitable room for holding their meetings, and proper cases and books for the clerk to preserve the records and papers of the corporation. They have power to raise, by assessment and tax, money for the expenditures, and may assess and collect a poll-tax of $1 on each male resident in the village between the ages of twenty-one and sixty years, except such male residents as belong to and are active members of a fire-engine, hose, hook and ladder, or other company formed and maintained for the purpose of extinguishing fires.

The expenditures of the village are denominated "ordinary" and "extraordinary" expenditures. Ordinary expenditures are those necessarily incurred to carry out and enforce the rules, by-laws, and ordinances, and to give force to the powers conferred upon the trustees, except as such expenditures may be specifically enlarged or diminished or controlled by law. No ordinary expenditure for any one specific act, object, purpose, or thing, shall exceed the sum of $500. The trustees can raise money for an extraordinary expenditure for any purpose by assessment and tax, by submitting a resolution stating the amount to be raised, and the specific object, to the annual election, or to a special election, of the legal electors entitled to vote on such questions. They have power to appoint such special election, designating time and place. If the majority of the ballots cast have on them the word "Yes," then the trustees may raise the amount voted. When the trustees deem extraordinary expenses necessary, they have power to pass one or more resolutions, each of which can only specify a single object, and the amount required for the same. When two or more such resolutions are submitted at the same election, they are numbered respectively one, two, &c., and the ballots used are as many as the resolutions submitted, and have thereon the words "resolution number one" or "resolution number two," &c., with the word "Yes" or "No." Ten days' notice of such election, whether annual or special, is given by the clerk, by posting notices in six public places in the village, stating time and place and object of election, and copying resolutions. The same inspectors preside at, and the same provisions apply to, such election as are provided for all village elections held after the first election of officers of the village. If the majority of the ballots cast have thereon the word "Yes" for any resolution, such resolution is adopted. The return of the inspectors sets forth each resolution, and, attached thereto, a statement containing the number of ballots, with "Yes" or with "No," received for such resolution. The inspectors presiding file their return of such election with the village clerk within ten days after the election.

In addition to ordinary expenditures, the trustees have power, in any one year, in addition to the poll-tax, to raise by tax such sum as

they deem necessary, not exceeding in any one year the amount of 1 per cent on the assessed valuation of the village, denominated a highway tax, to work and improve the roads, &c., of said village, on all persons and incorporated companies owning property and estate, real and personal, in said village, which is assessed and collected as all other taxes are. The money so raised, with the proceeds of the poll-tax, is devoted to these highway purposes, and kept apart as a separate and distinct fund by the treasurer. The board of trustees can also contract with any water company for supplying the village with water for the purpose of extinguishing fires, and assess and collect the amount agreed to be paid in such contract as other village taxes are assessed and collected; and this contract is valid and binding upon such village; provided, however, that no contract shall be made for a longer period than five years, nor for a sum exceeding in the aggregate 50 cents *per capita* per annum of the population of the village, unless the proposition for the same be submitted to a vote of the citizens, in the manner described, and approved by a majority of the voters entitled to vote on such questions and voting at an annual election or at a special election duly called.

It is the duty of the president of the board of trustees to see that the by-laws, rules, and ordinances, and the provisions of said Act of 1870 are enforced, and to recommend to the board such measures as he thinks necessary; and, as the head of the police of the village, he maintains peace and good order, and has the power of arrest for such purpose. If the president is unable to perform the duties of his office, the board of trustees appoint one of their number to preside at their meetings, and he is vested with all the powers and performs all the duties of the president of the village until the president resumes his office or the vacancy is filled according to law.

The treasurer receives all moneys belonging to the village, and keeps an accurate account of all the receipts and expenditures. All moneys are drawn from the treasury, in pursuance of an order of the board of trustees, by warrant, signed by the president or the presiding officer of the board, and countersigned by the clerk. The books and entries of the treasurer, and the order or check-book of the clerk, are open for inspection by any elector of the village at all reasonable hours. The treasurer exhibits to the board of trustees, at least fifteen days before the annual election in each year, a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account is filed in the office of the clerk. The treasurer keeps separate accounts of the moneys received and paid out for "ordinary expenditures" and "extraordinary expenditures," and on account of the highway tax.

Any justice of the peace of the town or towns in which the village is located has jurisdiction in all criminal cases that may arise within the bounds of the village in the county in which they severally reside, with the same powers and subject to the same duties and liabilities as a justice of the peace in other cases. He also has jurisdiction in all actions brought to recover fines or penalties for the violation of any provision of said Act of 1870, and of the rules, by-laws, and ordinances of the village, or to recover any tax or assessment levied by the village; and his proceedings and judgments may be reviewed in the same manner as provided by law in cases of judg-

ments and proceedings of justices of the peace. Said justice receives the same fees and compensation provided by law for similar services; and they are audited and paid and collected in the same manner as the fees of justices of the peace for similar services. All fines recovered by him in suits for the violation of the provisions of said Act or the by-laws, &c., are paid over to the treasurer of the village upon their receipt by such justice. In such last-mentioned suits, if judgment is enforced, the justice awards costs, including witnesses' fees and other legal disbursements, to the successful party, to the same amount as a justice of the peace could in civil actions or proceedings before him.

The person appointed police constable has the powers, and is subject to the same duties in criminal and civil cases, cognisable by such justice, as constables of towns, and is chief of the police force of the village, subject to the directions and orders of the president thereof. He has the power, and it is his duty to keep order in all public places in the village, &c., &c. He has power to execute any warrant or process issued by justices of the peace of the county or counties in which such village is situated. He is paid for his services the same compensation, audited and allowed in the same manner, as town constables for similar services, and also such extra annual salary as chief of police as the board of trustees may direct.

The collector collects and receives all taxes and assessments for which the warrant of the board of trustees, subscribed by the president and countersigned by the clerk, is delivered to him, and within the time specified in such warrant, and pays the same into the hands of the treasurer without delay, and takes receipt for the same, and makes return to the clerk of the amount of taxes collected by him and paid over to the treasurer, and of taxes unpaid. The collector gives a receipt to the clerk for the warrant and tax or assessment rolls delivered to him on his receiving the same. After receiving the tax-roll, the collector posts notices in five public places in the village twelve days before the last one of the three days specified in the notice, stating that he will attend at a convenient place specified in the notice, in the village, on three days specified, within fifteen days from the date of notice, for the purpose of receiving payment of taxes; and he shall attend at such times and place accordingly. Any person or corporation paying any tax or assessment, within fifteen days from date of notice, is charged with 1 per cent thereon for the fees of the collector and no more. After the expiration of the fifteen days, the collector collects the taxes or easements unpaid, with 5 per cent thereon for fees, in the same manner as is provided by law for the collection of town and county taxes, and with like power and authority as collectors of taxes of towns.

The trustees, whose duty it is to act as assessors, must, within sixty days after the annual meeting, proceed and assess upon the taxable inhabitants and corporations and property liable to taxation within the village, such sum as they deem necessary, besides funds received and estimated to be received from other sources, to defray the ordinary expenditures of the village for the current year, not to exceed the amount fixed for that purpose in their detailed statement presented at the annual meeting; also any sum directed at an annual election to be raised as an extraordinary expenditure for a special purpose for that year; also the amount to be raised as a highway tax, and also the poll-

tax. They also, within twenty days after any extraordinary expenditure has been voted by the legal electors at a special election, proceed to assess the amount in a similar manner. The assessors, on completing the assessment-roll, give ten days' notice by posting notices in five public places in the village, stating that they will in the village, at a place and time stated, meet to hear and determine all complaints as to such roll; and they can then correct this roll as they think necessary. After such submission and correction, if necessary, the roll and a copy thereof are filed with the clerk of the village. The clerk immediately delivers the tax-roll to the collector, with a warrant thereunto annexed, signed by the president and countersigned by the clerk, commanding him to collect the taxes therein specified, with his fees, and return said warrant and roll within sixty days after the date of the warrant, unless the time is extended by the board of trustees for thirty days beyond the first sixty days; and this extension in no event affects the validity of the bond given by the collector and his sureties. All taxes and assessments which remain unpaid for thirty days after the final return of the warrant, bear interest at the rate of 12 per cent per annum from the date of the return, and are collected either by the sale of the estate assessed, or by suit against the party liable to pay the same, or are added to the amount taxed or assessed against the party to the next annual tax or assessment; and when so added, the total sum or amount is collected in the same manner, or either of them, as stated. This act does not in any manner affect the liability of the collector and his sureties on the bond given by him. When any party fails to pay, and the collector cannot collect the tax or assessment, he makes return thereof, and the trustees cause the estate so assessed to be sold at auction for a term of time for the payment of such tax or assessment, giving four weeks' notice of such sale by putting up notices in five public places in the village, and serving personal notice on the owner or agent, if a resident of the village, or on the occupant thereof, and by depositing such notice in the post-office, directed to the owner, if a non-resident, at his reputed place of residence, if known, at least ten days before the day of sale; and the same is sold to the person who takes it for the shortest time for the payment of such tax or assessment, with interest, and the expense of such notice and sale. Before the time of sale the party liable for the tax, or his representative, may avoid the sale by paying the tax to the treasurer, with 12 per cent interest thereon, and expense of notice and sale. At any time within a year after such sale, the owners of the estate, or their representatives, may redeem the same by paying to the purchaser thereof (if he has paid the tax and interest and expenses of sale) the tax, expenses, and interest thereon at 12 per cent per annum from the date of payment by the purchaser; in case the purchaser has not so paid them, by paying to the treasurer of the village the tax, expenses of sale, and interest at 12 per cent per annum from the time the tax was returned unpaid, and notifying the clerk of such payment. If such tax, expenses, and interest are not paid within one year from the date of sale, then the trustees deliver to the purchaser of the estate a certificate of such sale under the seal of the corporation, and signed by the president, the execution of which may be acknowledged or proved as a deed; and upon the receipt of this certifi-

cate the purchaser may proceed to serve upon the holder or owner of any lien upon such estate, or any part thereof, notices in writing of such sale; and that, unless redeemed within six months from the time of such service of notice, such certificate may be recorded in like manner and with like effect as in case of other conveyances of real estate. This certificate is presumptive evidence of the statements contained, in all law courts and places, actions and proceedings. The purchaser receiving such certificate, or his representatives, may, in case the land is not redeemed, enter into and occupy the same during the term for which it was sold, and is at liberty, within such term, to remove all the buildings and materials which he may erect or place thereon. In case the collector returns that a tax or assessment on any estate is unpaid, and he is unable to collect it, the trustees can, after thirty days after the date of such return, prosecute a civil action against the owners in the corporate name of the village. They may cause a transcript of the judgment to be filed, and the judgment docketed in the county clerk's office of the county wherein the village is situated, and the same, however small the amount, thereupon becomes a judgment of the county court, and is a lien on all real estate of the judgment debtor situate in the county where the judgment is docketed; and such real estate may be sold on execution issued to the sheriff of such county, if not collected out of the personal property of the debtor in the manner provided by law; and all the provisions of law in reference to sale and redemption of real estate on execution apply to such sales and redemptions.

A village thus incorporated constitutes a separate highway district, within its corporate limits exempt from the superintendence of any one except the board of trustees, who are commissioners of highways in and for such village, and have all the powers of commissioners of highways of towns in this state. But no road, avenue, street, lane, or sidewalk shall be opened or altered, unless all claims for damages on account thereof shall be released without remuneration, except on the written petition of at least ten freeholders residing in said village, which petition shall specify the improvement to be made, describe the land to be taken, state the owners thereof when known, and shall be filed in the office of the clerk of the village. On the presentation of such petition, the trustees must meet and examine the same; and if they decide the improvement shall be made, they so decide by resolution entered in the minutes of the board; and they thereupon put up in five public places in the village a correct description of the lands to be taken to make such improvement, and a notice that they, at a place, day, and hour specified, not less than five days from the date and posting thereof, will meet and hear any objections that may be made to the taking of such land or making such improvement, a copy of which notice must be served on the owners of the land at least five days before said meeting, unless the owner is a non-resident of the village, in which case the notice and description must be deposited in said village post-office, directed to him, at least twenty days before such meeting. Any person interested may be heard and introduce testimony before the board of trustees as to the matter on the day specified in the notice, or on such other days as the board may appoint. After such hearing, the trustees may deny the petition, or approve and declare, by resolution entered in their minutes, their intention to make the improvements, and

proceed to obtain possession of the lands described, in the manner provided by said Act of 1870. Whenever any road, &c., is opened or altered, the damages claimed by reason thereof may be determined by agreement between the board of trustees and the claimants; but in case the damages are not so determined or released, the board, on being notified by the president, as in case of a special meeting, or at a regular meeting, meet and cause a jury of six freeholders to be summoned to determine and award the damages. Five days' notice of the time and place of such meeting shall be given to the owners of the lands, if residents of the village, and if not such residents, then notice shall be sent ten days before such meeting by mail, directed to the place of residence, if known, of each of such non-residents. The jury is sworn to faithfully and impartially execute their duty; they examine the premises, hear the proofs and allegations of the parties, and reduce the testimony in writing, if any be taken; and they determine and award to the owners such damages as they will sustain by the proposed alteration or improvement, after making allowance for any benefit which they may derive therefrom. The determination and award of the jury is signed by them and filed in the office of the village clerk, and a copy served on the persons entitled to such award. If no appeal is made within twenty days from the time of such service, the determination and award of the jury are final and conclusive on all persons interested. A copy of the award, certified by the clerk under the seal of the village, is evidence of the same in all courts and places and all actions and proceedings. No trustee who is interested in any such lands taken shall act with the trustees when sitting as a board to determine the damages, or to summon a jury to award damages. Any person interested therein may, within twenty days after notice of the award of the jury, appeal from such award by petition to the county judge of the county where such village is situated, or in case such village is located in two or more counties, then to the county judge of either of said counties, praying for the appointment of three commissioners residing in said county to review the jury's award. The award of these commissioners is signed by them, and is returned to the president of the village within fifteen days after their first meeting, and is filed with the clerk; and it is final and conclusive on all persons interested, and the board of trustees may thereupon take possession of the land and make the said alteration or improvement. Whenever a final award is made for such damages, the persons acting as assessors may within twenty days thereafter assess the amount of such damages upon the estates, real and personal, in said villages, and make out an assessment-roll of such damages, which is signed by the president and filed with the clerk, and the assessment is collected in the same manner as the annual tax is collected, and the trustees within one year from the time of such final award pay or tender the amount of such damages to the persons to whom they have been awarded; and in case such owners refuse the same, or are unknown, or non-residents of the village, idiot or lunatic, or the rights and interests of persons claiming the same are doubtful, it is in such cases lawful for the board of trustees to pay the amount of such damages to the county treasurer of the county where the lands are situated, for the benefit of such persons as may be entitled to the same, accompanied by a statement of the facts under which payment was made. The board of trustees causes the clerk of said vil-

lage to make an entry in the village records of the money deposited, stating amount, with the names of the parties by the awards declared to be entitled to the same. On the proper persons being ascertained who are entitled to receive such money, the president of the village is authorised to draw an order on the county treasurer, countersigned by the clerk, and payable to the order of the person or persons entitled to such money, for the amount due respectively.

At any election held in an incorporated village, the inspectors presiding have the powers of town boards at the election of town officers; and all the laws applicable to such elections apply to village elections and the proceedings of the same, so far as applicable and not inconsistent with this Act of 1870. All conveyances by the village are in its corporate name, and are accepted by the president thereof, authorised by resolution of the board of trustees with the corporate seal annexed. The affidavit of the party publishing or posting any notices is deemed presumptive evidence thereof in all courts and places and in all actions and proceedings. Money cannot be borrowed on the credit of, nor can any debt be created in behalf of, the village, payable at a future time; nor can any debt or liability be incurred by the village except for ordinary expenditures of the village or highway purposes within the income of the current year, for the ordinary expenditures or highway purposes applicable to such purposes. When the raising of any money for a special purpose as an extraordinary expenditure has been voted, the amount may be borrowed, or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by a tax as described. Any officer or person who assumes to create a liability or appropriate any money or property of the village contrary to the provisions of said Act, or assents thereunto, is personally liable for such debt or liability, and to the village for such money or property; and each of the trustees present when such violation has been committed is deemed to have assented thereunto, unless he express his dissent, and requests the same to be entered upon the record of proceedings. Any wilful violation of this is a misdemeanour. No member of the board of trustees shall be interested in any contract to which the village is a party. The board of trustees shall cause to be kept a record of its proceedings. All votes shall be taken by ayes and noes when required by one of the trustees, and shall be entered in such record; and such record shall contain the names of the members of the board present and voting on any question, and the affirmative and negative votes of the members so voting. By Acts of 1874 and 1875, it is the duty of the board of trustees to cause to be published, once in each year, and twenty days next before the annual meeting, in at least one public newspaper printed in the village, or in a public newspaper that is to all intents and purposes a village newspaper of more than one village, and that has more than one publication office, one of which is in such incorporated village, a full and detailed account of all money received by them or the treasurer of said village for the account and use thereof, and of all money expended therefor, giving the items of expenditure in full. Should there be no paper published in the village, they shall publish the same by notice to the taxpayers by posting in five public places in said incorporated limits.

When any person complained against as a vagrant, disorderly

person, riotous person, or person keeping a disorderly house, or a house of ill fame or assignation or prostitution, under the provisions of this Act, or any rule by law or ordinance made in reference to such persons under this Act (1870), is brought before an officer having jurisdiction of such matters, he shall, unless the offence complained of be indictable at common law, proceed forthwith to hear, try, and determine such complaint, as provided by law, for the offence on which such person is arrested; or he may adjourn the hearing on cause shown, not to exceed five days, and in the meantime commit the offender to the village lock-up or place of confinement, or county jail, until such day, or suffer him or her to go at large, on executing a bond approved by the said officer, conditioned that he or she will appear on the adjourned day when trial shall be had.

Disorderly persons are all those found intoxicated in the streets of the village, or guilty of noisy, riotous, &c., conduct; who wilfully give a false alarm of fire; publicly use any profane, vulgar, or obscene language or conduct; who wilfully and maliciously injure or remove, &c., any building, awning, &c., tree, shrubbery, or other ornamental thing; remove from or pile up before any door or on any sidewalk boxes, casks, or other things for the purpose of annoyance or mischief; or wilfully tear down, mutilate, &c., any notice or handbill lawfully posted up; who incite or induce dogs to fight in public places, &c.; are guilty at the time of fire in the village of insubordinate, &c., conduct; attempt to obstruct the operations of the fire department, or wilfully neglect or refuse to obey, &c., the orders of the trustees or officers of the fire department. Any trustee or police constable can arrest vagrants or disorderly persons, with or without process, and detain the person arrested not exceeding 24 hours, until the proper officer to try such person can be found.

Assessments are a lien on the lot or lands assessed, in the same manner and to the same effect as town and county taxes. All resignations of officers are made to the trustees, subject to their acceptance. The president and trustees receive no compensation for their services. The county clerk records all returns of inspectors of elections for the incorporation of villages in the records for the recording of deeds, or in a book specially provided for that purpose; or in case the village is located in two or more counties, then the county clerk of either of said counties records all these returns in the same manner.

The board of supervisors can extend the boundaries of any incorporated village within their respective counties upon the petition of the president and board of trustees of the village, by a vote of a majority of all the supervisors elected, taken by yeas and nays; but it is necessary to have the affirmative vote of the supervisors of the town or towns from which the additional territory is to be taken in which such village is situated, and of the supervisor or supervisors, if any, of such village. And these boards can diminish the boundaries of any incorporated village within their respective counties so as to exclude from such incorporation any portion of the territory embraced therein, upon the petition of two-thirds of the electors resident within the portion of territory sought to be so excluded, who are liable to be assessed for the ordinary and extraordinary expenditures of such village, by a vote of a majority of all the supervisors elected, to be taken by yeas and nays, provided that no act, ordinance, or resolution for such purpose shall be valid

and operative unless it shall receive the affirmative vote of the supervisor or supervisors, if any, of such village.

The taxpayers of any incorporated village, at any meeting thereof lawfully convened, may, by resolution, direct the trustees of such village to purchase suitable lands for a burying-ground for such village, or lands in addition to any existing burying-ground owned by said village, upon such terms and conditions not inconsistent with law. But the whole expense of purchase-money, fencing, &c., shall not exceed $10,000, unless the population of the village exceeds 4000 persons, nor more than $20,000 in any case; and the title thereof shall be vested in such village by its corporate name, and shall be inalienable, except in the manner and for the purposes mentioned in the Act, laws of 1847, chap. 209. The trustee of the village shall cause an accurate record to be kept of every interment in the burying-ground, and the time when made, and the name, age, and place of birth of every person buried therein, when these particulars can be conveniently ascertained; and this record is so kept as to show the lot, and part of the lot, in which each interment is made. A general tax of not over $150 in any one year may be collected on the village taxable property for the purpose of improving the burying-ground.

The authorities—namely, the president and trustees—of any incorporated village may (laws of 1875, chap. 181, amended by several subsequent Acts) proceed to organise into a board of water commissioners whenever a majority of them deem it advisable, and shall certify the same in writing to the clerk of the village, who shall thereupon, and within five days thereafter, notify said authorities in writing to attend a meeting to be held within five days thereafter for the purpose of organising as a board of water commissioners. At the time and place named in this notice, said authorities, or a majority, meet and organise by electing one of their number president of the board, and, also from their number, a secretary and treasurer. This board may make all necessary rules and regulations for its government and the transaction of its business. The treasurer has to give a bond, with sufficient sureties, in such amount as may be determined by the board of commissioners. It is the duty of the commissioners to examine and consider all matters relating to supplying the village with pure and wholesome water, and for that purpose they have power to employ engineers, surveyors, and such other persons as are necessary for that purpose; and they adopt such plans as in their opinion may be most feasible for procuring such supply of water, and which embraces proper distribution-pipes and supplies for all streets and places where in their opinion it is of interest to the village for domestic purposes, or for protection against fire, and ascertain the probable amount of money necessary to carry the same into effect; and for that purpose they have power to contract for and purchase, and take by deed or other instrument under seal, in the name of said village, all lands, tenements, hereditaments, rights, or privileges whatever, and situate at any place within the county in which said village may be situated, which may be required for the purpose, and to contract for the execution of the work, or any part thereof, or the supply of any necessary material; and the commissioners and their agents and employees are authorised to enter upon any land or water for the purpose of making surveys, and to agree with the owner of the property, real or personal, which may be required, as to the amount of compensation

to him, subject to a revision by the court upon the application by any three taxable inhabitants of the village. Before entering, taking, or using any lands, the water commissioners shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, by and on which the land of each owner or occupant shall be designated, which may be signed by the president and the secretary, and shall be filed in the office of the county clerk of the county in which the said lands are situated; and upon such filing the water commissioners, by any of their officers, agents, or servants, may enter upon any lands so designated for the purpose of prosecuting the construction of their works. Where the commissioners are unable to agree with the persons owning or having an interest in any lands, &c., the supreme court, at any special term thereof held in the judicial district in which said lands are situated, shall, on application, appoint three disinterested citizens of the county in which the lands are situated, who shall be freeholders, as commissioners of assessment, to determine the damage sustained by each of such persons by reason of the taking or use of his or her lands, &c. Whenever any report of these commissioners of assessment has been confirmed by said supreme court, the water commissioners may deposit, as the court may direct, or pay to said owner or to such persons as the court may direct, the sum mentioned in the report in full compensation for the property so required; and thereupon the village becomes seized in fee of the property so required, and is discharged from all claim by reason of any such appropriation or use. It is the duty of the commissioners to borrow from time to time, upon the credit of the village, a sum not exceeding 10 per cent of the assessed value of the real and personal estate of the valuation of the village, as appears by the last assessment-roll, upon such term of credit not exceeding thirty years, and at rate of interest not exceeding the legal rate, as seems to them for the best interest of the village; and, to secure the payment of such loan, they are authorised to make and deliver bonds, certificates, or other obligations, signed by them or any three of them, as said commissioners, which bonds, &c., are made payable in such respective amounts and at such respective times as the commissioners deem best; and these bonds, and the interest thereon, are a valid liability against the village, and the credit of the village is pledged for the payment of the same, and the money so borrowed is appropriated by the commissioners to supplying the village with water. Before any such bonds are issued, the commissioners have to file with the clerk of the county their joint and several bond in the sum of $20,000, with sureties approved by the county judge. Ample powers are given to make contracts, use the streets, establish a scale of water-rents, &c. The entire annual receipts for water-rents, after deducting therefrom such sums as may be necessary for repairs, &c., are applied towards the payment of the interest on the loan, and towards the creation of a sinking fund, which is managed by the commissioners. No investment shall be made in behalf of this sinking fund, except in the bonds of the United States, of the State of New York, or of any city of said state, and in the water bonds, &c., of the village issued as stated, bought at not over par, which, when so purchased, shall be immediately cancelled. Should the annual receipts for water-rents, after deducting for repairs, &c., not pay the full interest in any year, or any part of the prin-

cipal fall due in any year, and the sinking fund not be sufficient to pay the same, any such deficiency is to be assessed, levied, and collected from the taxable property of the village at the same time and in the same manner as other expenses of the village are assessed, levied, and collected; and the same is applied to the payment of such interest or principal, or both. The commissioners annually, on the first day of May and at all other times as required by the board of supervisors of the county in which such village is situated, deliver to said board of supervisors a detailed statement of all their accounts, a general statement of all their work and condition of their affairs and state of finances, including a full detail of the amount expended in the progress of the work, and a particular statement of any deficiency as to the water-rents in meeting the principal and interest of the sum borrowed; and all books and papers of every kind and description kept by the commissioners, upon which are entries of their transactions as such, are at all times subject to the inspection by said board of supervisors, and by every elector of said village. The commissioners can from time to time make by-laws, rules, and regulations not inconsistent with the laws of the state or of the United States.

The trustees of any such incorporated village containing a population of 3000 and upward may, whenever in their opinion the public interest demands it, at any time not less than thirty days preceding the next annual election for village officers, direct that at such election, and at every fourth annual election thereafter, there shall be elected a police justice, who shall be a resident of the village in which he is elected, and hold office for four years, and have the same power and jurisdiction in criminal cases which justices of the peace have by law, and be subject to the same duties and liabilities as the justices of the peace of the several towns of the state, and have jurisdiction in all cases of violation of village ordinances. When the whole of any town has been duly organised as a village, the electors, if they so elect at a meeting duly called for that purpose, may provide for the division of such village into districts, and for the election of the trustees of such village within the several districts established therein. Whenever any vacancy, by death, resignation, removal from the village, or inability to discharge the duties of the office, occurs in the said office, the trustees order an election to fill the vacancy at the next annual election, and in the meantime may fill it by appointment, or may designate one of the justices of the peace of the town in which the village is situated to perform the duties of police justice until such election has been held. The fees of these police justices, and also of any justice of the peace while so acting *ad interim*, are a charge upon the village, and audited and allowed in the same manner as other village charges. Every police justice, within ten days after election, and before entering upon the duties of his office, takes and subscribes the constitutional oath of office, and files it in the office of the town-clerk of the town in which he resides.

Upon the application in writing of not less than 25 electors, inhabitants of any incorporated village, the board of trustees may determine, by resolution entered in their minutes of proceedings, that a police justice shall be elected for such village, and if they so determine, the electors of the village may, at their then next annual election, or at a special election called for the purpose, and conducted in the same manner as the annual election, choose a police jus-

tice, who shall be a resident elector of the village, and enter upon the discharge of his duties as soon as he is duly notified of his election, and takes and files in the office of the village clerk the constitutional oath of office, and a bond with the sureties in such sum as the board of trustees prescribes, and approved by such board, conditioned for the faithful performance of his official duties. The term after the first, which expires on the 31st day of December in the third year succeeding his election, is three years, commencing with the first day of January, the election being on the same ticket with other elective village officers at the preceding annual charter election. Vacancies are filled by the board of trustees until a successor for the unexpired term is elected at the next annual election. Such police justice has, within his village, and in cases where the alleged crime or misdemeanour has been committed within his village, exclusive jurisdiction, except as after stated, to issue all warrants, hear and determine all complaints, and to conduct all examinations and trials in criminal cases, that may be had by a justice of the peace, or before a court of special sessions; and has the same power and jurisdiction in such criminal cases as justices of the peace have, and has exclusive jurisdiction in all cases of violations of ordinances of his village. He also has authority to administer oaths in verification of accounts and claims against the village, but has no other civil jurisdiction. He receives for his services an annual salary fixed by the board of trustees, which shall not be increased or diminished during his term of office, but he does not retain to his own use any costs or fees. Said justice is subject to the same liabilities, and his judgments and proceedings may be reviewed in the same manner and to the same extent as by law provided in case of justices of the peace. In case of sickness, absence, &c., of the police justice, it is the duty of the several justices of the peace of the town in which the village is wholly or partially situated to fill his place *ad interim*, getting the same fees as would be chargeable therefor as though no police justice had been elected, but having no claim for such services against the village, or the town or county. It is the duty of the police justice to provide and enter in a suitable book a record of the several complaints made before him, in which a warrant or other process for the arrest of any person accused is granted, and of all cases in which the offender or person accused is brought before him without process; which record shall contain, under the proper date, a brief statement of the names of the parties, the nature of the offence charged, the action of the said police justice thereon; and an accurate account of all fines, penalties, and costs imposed and collected by him, or which may be ordered to be paid by any offender. And annually, at least two weeks before the time appointed for holding the charter election of said village, and oftener when required by resolution of the board of trustees, he shall make a report in writing to the clerk of the village of all fines, penalties, and costs imposed and collected by him; and the same day on which he makes this report he shall pay over to the treasurer of the village all fines, penalties, and costs in his hands belonging to his village. The provisions of this Act as to police justices do not apply to any village in the county of Madison. In all cases of imprisonment of persons charged with the commission of any offence, or under sentence or conviction of any offence within the jurisdiction of any police court of such village, such imprisonment is in the county where the

offence was actually committed, or in the penitentiary nearest such village, unless the county in which such offence was committed has a contract with some penal institution for the keeping of convicts, in which case the imprisonment, if not in such county, is in the penal institution with which there is such contract. The civil jurisdiction of police justices within any incorporated village of the state is limited to cases in which the village is a party in interest, but this is not construed to affect police justices in villages incorporated by special acts.

CITIES.

(Many of the general provisions about to be mentioned are provided for differently in the several charters of the different cities of the state.)

A fireman of any of the different cities within the state, in case of removal from one city to another, upon producing a certificate of service signed by the chief engineer of the city left, and being reappointed a fireman in the city removed to, is credited with the time served in the city left.

Mayors of the several cities are elected annually by ballot by the male inhabitants entitled to vote for members of the common council; the ballots being deposited in a separate box provided by the inspectors of election, and marked "mayor." The election is conducted the same as those for charter officers. The inspectors of the several wards canvass the ballots for mayor, certify, and state the result in the same manner as in the election of aldermen. The statement and certificate is filed by the inspectors on the same day as, or on the next day after, the canvass is completed, with the clerk of the city. The clerk delivers the statement and certificate to the common council at their next meeting after the election; whereupon the common council proceeds to determine and declare who is duly elected to the office of mayor, and the person having the greatest number of votes is declared duly elected. The common council makes a certificate of their determination, which is signed by the members present, or a majority of them, and filed with the clerk. The mayors elected take the constitutional oath of office and enter on their official duties at the same time as members of the common council elected at the same election enter upon their duties, and hold office for one year, and until a successor is elected and takes the constitutional oath of office. A vacancy in the office of mayor is filled by the common council of the city electing a mayor *ad interim* by ballot. These provisions do not apply to the city of New York. In every city of the state in which the office of recorder exists (except in the cities of New York, Rochester, and Buffalo), there is elected at the general state election, next preceding the expiration of the term of office of the recorder, a successor of such recorder. A separate ballot-box, marked "recorder," is provided by the inspectors of election.

Whenever the common council of any city within the state has appointed a committee of members of their body upon any subject or matter within the jurisdiction of such common council, or to examine any officer of the city in relation to the discharge of his official duties, or to the receipt or disbursement by him of any moneys in the discharge of

said duties, or concerning the possession or disposition by him, in his official capacity, of any property belonging to the city; or to use, inspect, or examine any book, account, &c., relating to the city affairs, the chairman of the committee can administer oaths to witnesses, and false swearing, &c., is perjury, and on conviction the offender is punishable accordingly. Non-resident material witnesses who are within the state are, upon application by the chairman or a majority of the committee, summoned by a justice of the supreme court, or by the county judge of the county within which the city is situated, or by the recorder of the city. Such summons is served by showing to the witness the original summons under the hand of the officer issuing it, and delivering a copy thereof, or a ticket containing its substance, and paying to him the fees of witnesses in civil actions in courts of record.

Whenever the trustees of any church or religious corporation, owning a burying-ground within the limits of any city, by resolution determine that it is expedient to remove the human remains buried therein, it is lawful for them to proceed as follows: by notice read to the congregation on two successive Sundays, and posted at the principal door of the church for two weeks previously, and published daily in one of the city papers having the largest daily circulation for the same period of time, they call a meeting of the pewholders of such church for the purpose of considering the subject of such removal; and in such notice they state the time and place of such meeting and the purpose thereof. This meeting is organised by electing a president and secretary by a majority of the pewholders thereat. If three-fourths of the pewholders present vote in favour of the removal, the president and secretary execute a certificate showing the proceedings of the meeting, which is proved or acknowledged in the same manner as deeds are required by law to be proved or acknowledged, and is recorded in the office of the register of the city or clerk of the county in which the burying-ground is situated; and no other consent is necessary or required to authorise such removal. The removal is made by the trustees of the church, their agents and servants, at such time or times and in such manner as the board of health in the city directs. It is made at the expense of the church or religious corporation, to any other burying-ground owned by them, in an appropriate manner, together with the tombstones proper thereto; and these tombstones are erected again at the place of removal, over the appropriate remains in all cases where the same can be identified.

The police department or board of police of any city can, in addition to the police force authorised by law, appoint a number of persons, not exceeding 200, who may be designated by any company which may be operating a system of signalling by telegraph, to a central office for police assistance, to act as special patrolmen in connection with such telegraphic system; and these persons, in and about such service, have all the powers possessed by the members of the regular force, except as limited by and subject to the supervision and control of the police department or board of police of the city. These special patrol-men must have the qualifications required for such special service; and are subject, in case of emergency, to do duty as a part of the regular police force of the city. Each wears a badge and uniform furnished by the company and approved by the police depart-

ment. The pay of these special patrol-men, and all expenses connected with their service, is wholly paid by such company or companies.

COUNTIES.

Each county, as a body corporate, has capacity —

1. To sue and be sued in the manner prescribed by law.

2. To purchase and hold lands within its own limits and for the use of its inhabitants, subject to the power of the legislature over such lands.

3. To make such contracts, and to purchase and hold such personal property, as may be necessary to the exercise of its corporate or administrative powers; and

4. To make such orders for the disposition, regulation, or use of its corporate property as may be deemed conducive to the interests of its inhabitants.

No county possesses or exercises any corporate powers except such as are specially given by law, or are necessary to the exercise of the powers so given. All acts or proceedings by or against a county in its corporate capacity are in the name of the board of supervisors of the county; but every conveyance of lands within the limits of the county made in any manner for the use or benefit of its inhabitants has the same effect as if made to the board of supervisors. The power of a county as a body politic can only be exercised by the board of supervisors thereof, or in pursuance of a resolution by them adopted.

When a county seized of lands is divided into two or more counties, or is altered in its limits by the annexing of a part to another county or counties, each county becomes seized to its own use of such part of said lands as is included within its limits, as settled by such division or alteration. Money rights and credits, or other personal property, are apportioned between the counties interested by the supervisors and county treasurers thereof as to them, or a majority of them, appears to be just and equitable. They meet for that purpose at the time prescribed by the law making the division or alteration. Debts owing by a county are apportioned in like manner. Each supervisor is allowed $2 per day and 8 cents per mile travelling expenses when attending the meetings of the board.

The supervisors of the several cities and towns in each of the counties of the state meet annually in their respective counties for the despatch of business as a board of supervisors. They may also hold special meetings at such times and places as they find convenient, and have power to adjourn from time to time as they deem necessary. Each board has power, at their annual meetings or at any other meeting—

1. To make such orders concerning the corporate property of the county as they deem expedient.

2. To examine, settle, and allow all accounts chargeable against the county, and to direct the raising of such sums as may be necessary to defray the same.

3. To audit the accounts of town officers and other persons against their respective towns, and to direct the raising of such sums as may be necessary to defray the same; and

4. To perform all other duties which may be enjoined on them by any law of the state.

A majority of the supervisors of a county constitutes a quorum for the

transaction of business, and all questions arising at their meetings are determined by the votes of those present. The boards sit with open doors, and all persons may attend their meetings. They, at each annual meeting, choose one of their number as chairman, who presides during the year; and when he is absent at any meeting, the members present elect one of their number as a temporary chairman. All chairmen and clerks of boards of supervisors have power to administer oaths to any person concerning any matter submitted to the board or connected with their powers or duties. Each board, as often as necessary, appoints some proper person to be their clerk, who holds office during their pleasure, and whose general duty it is—

1. To record in a book, provided for the purpose, all the proceedings of the board.

2. To make regular entries of all their resolutions or decisions on all questions concerning the raising or payment of moneys.

3. To record the vote of each supervisor on any question submitted to the board, if required by the members present; and

4. To preserve and file all accounts acted upon by the board.

The county pays the clerk a reasonable compensation, fixed by the board. The books, records, and accounts of the boards of supervisors are deposited with their clerks, and are open, without reward, to the examination of all persons. Each member of the board is allowed a compensation for his services, and expenses in attending the meetings of the board, at the rate of $2 per day. If any supervisor refuses or neglects to perform any of the duties which are required of him by law as a member of the board of supervisors, he forfeits for every such offence the sum of $250. The mayor, recorder, and aldermen of the city of New York are the supervisors of the city and county of New York. The board of supervisors of each county have power to cause to be levied, collected, and paid to the treasurer of the county moneys necessary to construct and repair bridges, to apportion the tax so to be raised among the several towns and wards of their county as shall seem to them to be equitable and just; to levy, collect, and pay moneys necessary for rebuilding or repairing the court-house or jail of their county, or for building, rebuilding, or repairing the clerk's office of the county; to appoint special commissioners to lay out public highways, when satisfied that the road applied for is important.

The boards of supervisors of the several counties in the state, the county of New York excepted, at their annual meetings have power within their respective counties, by a vote of two-thirds of all the members elected, to divide or alter in its bounds any town, or erect a new town; but they shall not make any alterations that place parts of the same town in more than one assembly district, nor where it is proposed to divide towns into two or more towns, unless upon application to the board of at least twelve freeholders of each of the towns to be affected by the division, and upon being furnished with a map and survey of the towns to be affected, showing the proposed alterations, and, if the application is granted, a copy of this map, with a certified statement of the action of the board thereunto annexed, is filed in the office of the secretary of state; and it is the duty of the secretary to cause the same to be printed with the laws of the next legislature after such division takes place, and cause the same to be published in the same manner as other laws are published. Whenever the board of supervisors

erects a new town in any county, they designate the name thereof, and the time and place of holding the first annual town meeting therein, and three electors of such town, whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as justices of the peace when presiding at town meetings; and in case any of the said electors refuse or neglect to serve, the electors of the town present at such meeting have power to substitute some elector of the town for each one so refusing or neglecting to serve. Notice of the time and place of such town meeting, signed by the chairman or clerk of the board of supervisors, is posted in four of the most public places in the town by the persons so designated to preside at the town meeting, at least fourteen days before holding the same. They also fix the place for holding the first town meeting in the town or towns from which such new town is taken. But these provisions do not affect the rights, or abridge the term of office, of any justice of the peace or other town officer, in any such town, whose term of office has not expired.

The boards of supervisors were by the Act of 1849 amended by an Act of 1870, also severally authorised—

1. At any meeting thereof lawfully assembled to purchase for the use of the county any real estate necessary for the erection of buildings, and for the support of the poor of the county.

2. To purchase any real estate necessary for a site for any court-house, jail, clerk's or surrogate's office, or other public county buildings in the county.

3. To fix upon and determine the site of any such buildings where they are not already located.

4. To authorise the sale or leasing of any real estate belonging to the county, and prescribe the mode in which any conveyance shall be made.

5. To remove or designate a new site for any county buildings, when such removal shall not exceed one mile.

6. To cause to be erected necessary buildings for poorhouses, jails, clerks' and surrogates' offices, or other county buildings, and prescribe the manner of erecting the same.

7. To cause to be raised by tax upon the county any sum of money to erect any of the buildings mentioned in said Acts, not exceeding the sum of $5000 in any one year.

8. To borrow money for the use of the county to be expended in the purchase of any real estate, or for the erection of any such buildings, and to provide for the payment thereof, with interest, by tax upon the county, within ten years from the date of the loan, in yearly instalments or otherwise.

9. To authorise any town in the county, by a vote of such town, to borrow any sum of money, not exceeding $4000 in one year, to build or repair any roads or bridges in such town, and prescribe the time for the payment of the same, which time shall be within ten years, and for assessing the principal and interest thereof upon such town.

10. To abolish or revive the distinction between the town and county poor of such county.

11. To fix the time and place of holding their annual meetings.

12. To extend and determine by resolution at their annual meeting the time when each collector in said county shall make return to the county treasurer; but such time shall in no case extend beyond the first day of March next.

13. To make such laws and regulations as they deem necessary, and provide for the enforcing of the same, for the destruction of wild beasts, of thistles and other noxious weeds, to prevent the injury and destruction of

sheep by dogs, and to levy and enforce the collection of any tax upon dogs, and to direct the application of such tax, and to provide for the protection of all kinds of game, of shell and other fish, within the waters of their respective counties; and all laws of the state existing in relation to preserving or destroying, killing, and taking wild beasts or birds, fish, eels, and shell-fish, were repealed as on the 1st day of January 1850.

14. To require any county officer, or any officer whose salary is paid by the county, to make a report under oath to them, on any subjects or matters connected with the duties of their offices whenever called upon by resolution to do so; and any officer refusing or neglecting to make such report is deemed guilty of a misdemeanour.

15. To fix, establish, locate, and define disputed boundary-lines between the several towns in their respective counties, by a resolution duly passed by a majority of all the members elected to such board. A notice of intention to apply to the board to fix, &c., the disputed boundary-line, particularly describing the same, and the line as proposed, signed by the supervisor, town-clerk, and two or more of the justices of the peace, of some one of the towns to be affected by such resolution, is published for four weeks successively before the meeting of the board at which such resolution is to be presented, in all the newspapers printed in the county, if not more than three in number, but if they exceed three in number, then in the three having the largest circulation in the county. A copy of this printed notice is also served personally at least fifteen days before the meeting of the board on the supervisor and town-clerk of each of the other towns to be affected thereby. A copy of the resolution as adopted, which shall contain the courses, distances, and fixed monuments specified in such boundary-lines, together with a map of the survey thereof, with the courses, &c., referred to therein, plainly and distinctly marked and indicated thereon, shall be filed in the office of the secretary of state within sixty days after the adoption of such resolution, and it is the duty of the secretary to cause the resolution to be printed with the laws of the next legislature after the adoption thereof. A copy of the resolution is also within the same time published for two successive weeks in all the newspapers printed in the county; but if they exceed three in number, then in such three as the board designates for the purpose, the expenses of publication to be paid by the town causing the publication of the notice of the application.

16. To ascertain, fix, and determine the amount to which any person or corporation is equitably entitled to receive back from any town or towns for taxes paid while the boundary-line between such towns was in dispute, and to levy and assess such amount upon such town or towns, and cause the same to be collected in the same manner that other taxes are levied, assessed, and collected.

None of these powers are exercised except by a vote of a majority of all the members elected in the county; nor are the powers Nos. 5, 10, and 13 exercised without a vote of two-thirds of all the members elected to such boards. The boards of supervisors have also power, within their respective counties, to change the location of court-houses, jails, clerks' offices, surrogates' and treasurers' offices, or other public buildings, when the distance does not exceed one mile, the proceedings being in compliance with the provisions of the Acts of 1849 and 1870. But no board shall expend for all the pur-

poses aforesaid, including land, buildings, and furnishing the same, or for any purpose whatsoever, a greater sum than one-half of 1 per cent upon the then last assessment-roll for all the towns in the county. And such board may borrow a sum, not exceeding such one-half of 1 per cent, to be used for the purposes aforesaid, and the sum so borrowed is inserted in the next annual tax levy, and as soon as the money is collected the amount thus borrowed is fully paid. Every resolution of any board of supervisors, passed in pursuance of the Act of 1849, is signed by the chairman and clerk, and recorded in the book of miscellaneous records of the county. The comptroller is authorised to loan to any of the towns or counties of the state any money in the treasury belonging to the capital of the common school fund, as authorised by the Act of 1849, to be borrowed by any county or town upon application made to him by the treasurer of the county; and when loaned to a county, the treasurer executes his official bond for the payment thereof; and when loaned to a town, the supervisor executes his official bond in like manner.

By an Act of 1880, supplementary to the Act of 1849, whenever any board of supervisors forms a new town within its respective county from parts of other towns or town which have bonded to aid in the construction of any railroad, and such bonds, or any part thereof, remain unpaid, or when any board of supervisors changes the line of any town so bonded, &c., the new town and the parts taken, &c., pay a proportionate share of such bonds as remain unpaid, which share is ascertained from the assessed valuation of the town contained in the last equalised valuation of the assessment-roll made prior to the formation or change of such town. It is the duty of the railroad commissioners of such town to render a true statement to the board of supervisors, as required by the general railroad Act noticed already, and the board adds such proportionate share to the sums to be collected from the town so formed, or to the parts so detached, to be collected as prescribed by law. The assessors of the town or towns to which has been added a part of another town, yearly, until such bonds are paid, make a separate and distinct list of the taxable inhabitants and lands contained in the annexed part in the assessment-roll of the said town, and this is designated in such roll, "list of annexed lands and inhabitants." Such proportionate share of moneys collected is paid by the supervisor of the town to the railroad commissioners of the town from which such territory has been detached, and by them used for payment of the bonds according to law.

By the laws of 1858, chap. 190, the chairman or president of the board of supervisors can issue a subpœna in proper form commanding any person as a witness upon any subject or matter within the jurisdiction of such board, or any officer of the county, to appear before such board at a time and place therein specified, to be examined as a witness, and also to produce on such examination all books, papers, and documents in his possession or under his control relating to the affairs or interests of the county. It is the duty of the sheriff, or any deputy sheriff or constable of the county to whom the subpœna is delivered, to serve the same by reading it to the person named therein, and at the same time delivering him a copy thereof; and his official return thereon of the time and place of such service is *primâ facie* evidence thereof. Whenever the board of supervisors has appointed any members of their body

a committee upon any subject or matter of which the board has jurisdiction, and has conferred upon such committee power to send for persons and papers, the chairman thereof possesses all the powers, and is liable to all the duties, imposed upon the chairman of the board of supervisors. Persons subpœnaed neglecting to appear or to produce books, &c., as commanded, or refusing to testify or to answer any question which a majority of the board or committee decides to be proper and pertinent, are deemed in contempt, and it is the duty of the chairman to report the facts to the county judge, or to a judge of the supreme court, or of the superior court, or of the court of common pleas of any of the cities of the state, who shall thereupon issue an attachment in the form usual in the court of which he is judge, to the sheriff of the county where such witness was required to appear and testify. The proceedings in such attachments are the same as those under like cases in civil causes before a circuit or special term of the supreme court.

Laws of 1869, chap. 855, amended by subsequent acts. The boards of supervisors of each county, except New York and Kings, have power at their annual meeting, or at any other regular meeting, to authorise the supervisor of any town in the county, by and with the consent of the commissioners of highways, town-clerk, and justices of the peace of the town, to borrow such sum of money for and on the credit of each town, not exceeding, however, in any year the amount of one-half of 1 per cent on the assessed valuation of the taxable property of the town for such year, as the said town officers deem necessary, to build or repair roads or bridges in such town, or partly in such town and partly in an adjoining town, or to pay any existing debt incurred in good faith by or on behalf of such town for such purpose. The supervisors' board prescribes the form of obligation to be issued on any such loan, and the time and place of payment, the time not to exceed ten years; and has power, and it is its duty from time to time, as the obligations become due and payable, to impose upon the taxable property of such town sufficient tax to pay the principal and interest of such obligations according to the terms and conditions thereof. The town officers mentioned meet at the town-clerk's office in the town for which they are elected on the first Monday of September in each year at 10 A.M. to determine what amount, if any, shall be borrowed on the credit of such town, and for what roads or bridges such amount shall be borrowed or appropriated, and may adjourn, but no such meeting shall be held subsequent to the first Monday of October in each year. The town-clerk keeps a record showing the date and amount of such bonds issued, the time and place where the same are made payable, and the rate of interest thereon. The bonds are issued to the supervisor of the town, who disposes of them for not less than their par value, and pays the proceeds to the commissioners of highways of the town. Not more than $500 of such proceeds shall be expended upon any one road or bridge, except under and in pursuance of a contract made by the contractor with the commissioner, or a majority of the commissioners of highways of the town, which contract shall be approved by a majority of the town auditors, neither of whom shall be interested in such contract. By a two-thirds vote of all the members elected, the board of supervisors can, from time to time, alter, reduce, or change the rates of tolls charged by roads, bridges, and ferries within their county; or if within more than

one county, then by joint action with the supervisors of such counties, provided such alteration is asked for by the directors, trustees, or owners of such road, bridge, or ferry; and provided further, that no increase of toll is so authorised unless notice of intention to apply for such increase has been published in each of the newspapers published in the county, once in each week for six successive weeks next before the annual election of supervisors in such county.

The electors of any town at any regular town meeting, or of any county at any regular election, may vote any sums of money, to be designated by a majority of all the electors voting, for the purpose of erecting a public monument within such town or county, in memory of the soldiers of such town or county, or in commemoration of any public person or event; but no debt shall be created, nor any tax be imposed, on any town or county for such purpose, unless the same has been voted for by a majority of the legal voters of the town or county affected, nor unless the object and expenditure are approved of by a vote of two-thirds of the supervisors elected in the county. The board of supervisors may legalise the vote of any town or county for such purpose; and after such vote, they may raise or authorise the specified sum or sums of money to be raised in any of the modes provided for by law for raising moneys for towns or counties. The expenditure is under the direction of the supervisor, town-clerk, and justices of the peace of the town, or of a majority of them, or by commissioners for that purpose appointed by the town officers, or by a majority of them. If it is a county monument, the expenditure is under the control of commissioners appointed by the board of supervisors to superintend the erection thereof. No compensation is paid to town or county officers or commissioners for such services. The board of supervisors can alter, repeal, or amend resolutions or ordinances, and stay further expenditure upon any monument within the county being erected at the expense of such county, or of any town or towns within such county.

The board of supervisors of any county, except New York and Kings, may, by a vote of two-thirds of all the members elected thereto, legalise the informal acts of any town meeting in raising money for any purpose for which such money is authorised to be raised by law, and by a like vote to legalise the irregular acts of any town officer performed in good faith and within the scope of his authority, provided such legalisation is recommended by the county court of the county; and likewise to correct, on such recommendation, errors in any assessment or return made by any town officer, or which properly comes before such board for their action, confirmation, or review; and upon the order of such court, made on application of the person aggrieved, refund to such person the amount collected from him of any tax illegally or improperly assessed or levied. An appeal may be taken from this order as from a judgment of said court in an action. In raising the amount so refunded, the board adjusts and apportions the same upon the property of the several towns of the county as is just, taking into consideration the portion of state, county, and town tax included therein, and the extent to which each town has been benefited thereby. On appeal taken as prescribed by any taxpayer of the town from the audit of town auditors of bills rendered by justices of the peace in criminal proceedings, the board of supervisors thereupon audit the accounts, and their decision is final. The board of supervisors

have, subject to the legal rights of the officers using the same, the general charge of all the books and records of the county, and provide for their safe-keeping.

The board of supervisors have the power, and it is their duty to audit the accounts of the superintendents of the poor of the county, and to examine the accounts of subordinate county officers; and each supervisor, whose compensation is not specially provided for by law, is entitled to charge and receive $3 per day only for each full day's services during the sessions of the board, besides mileage. In addition to the other powers, the board of supervisors of Queen's County have power, at any meeting of which notice is given, as specially prescribed, to authorise the supervisors of any town in this county, on written applications of the supervisor, town-clerk, justices of the peace, and commissioners of highways or a majority of them, of such town, or, if more than one town is affected thereby, then of said officers, or a majority of them, of each of such towns, to borrow such sum of money for, and on the credit of, such town or towns, as the said town officers deem necessary to lay out, build, widen, grade, macadamise, or repair roads, or to purchase for public use any plank-road, turnpike or toll road, or toll-bridge in such town; and to prescribe the form of the obligation to be issued on any such loan, and the time and place of payment, the time not to exceed ten years; and to impose upon the taxable property of such town sufficient tax to pay the principal and interest, according to the terms and conditions of the obligations, as they from time to time become payable. Three commissioners are appointed to appraise and determine the value of any lands required, when an agreement cannot be come to with the owner, &c., and the proceedings are similar to those where railroad commissioners act, as previously described in corresponding circumstances. In case the roads or bridges, referred to in the first section of this Act of 1869, are wholly or partly within the limits of any incorporated village, the consent of a majority of the trustees of such village is necessary for the action of supervisors of towns, in addition to the consent of the commissioners of highways, town-clerk, and justices of the peace.

The clerks of the boards of supervisors of the several counties, on or before the second Monday in December in each year, transmit to the comptroller by mail, in the form he prescribes, a certificate or return of all the indebtedness of their respective counties, and of each town, village, and ward therein,—under forfeiture to the people of the state of $50 for refusal or neglect to do so.

By a law of 1875, the board of supervisors of each county in the State of New York can contract with the sheriff of the county, or the jailer of the common jail therein, for the support and maintenance of prisoners confined upon civil process,—the then existing provisions of law relating to the care, custody, support, and maintenance of such prisoners in the counties of Kings and Monroe not being affected. By a recent law, imprisonment for debt has been practically abolished in the State of New York.

Laws of 1875, chap. 482, "An Act to confer on boards of supervisors farther powers of local legislation and administration, and to regulate the compensation of supervisors, as amended," provides that in the several counties, except in cities whose boundaries are the same as those of the county, the boards of supervisors can make and admin-

ister, within their respective counties, laws and regulations—

1. To purchase or otherwise acquire, for the use of the county, real estate for sites for court-houses, county clerks' offices, and other buildings for county officers, and for jails, and such other places of confinement as may be authorised or required by law for male and female prisoners, the detention of witnesses, and for establishments for the care of paupers, idiots, &c., for whose support the county is liable; to erect, alter, improve, purchase, and receive by gift buildings for any of these purposes, &c.; to borrow money on the county bonds, or other county obligations, for a period not exceeding fifteen years, to be paid in annual instalments, for the purposes specified; but in all cases when the total indebtedness thus created, and then outstanding under previous authority, exceeds $100,000, no additional issue is authorised, except in the counties of Albany, Erie, and Kings, unless by the consent of a majority of all the electors of the county, voting on the question at any annual election, and subject to the conditions in this Act specified, to change the location of county buildings, and to sell or apply to other county use the old sites, &c., and, if sold, the proceeds towards payment of obligations incurred for new sites and buildings, and in case of a change in the location of a county court-house to make one or more jury districts, and to make such regulations in respect to the holding of the terms of courts as are necessary by reason of such change.

2. To fix, subject to the limitations of sec. 15, art. vi. of the constitution, the salaries and per diem allowance of county officers, whose compensation may be a county charge, not to be changed during their respective terms of office; and to prescribe the mode of appointment, and fix the number, grades, and pay of the deputies, clerks, and subordinate employees in such offices.

3. To authorise the location, change of location, and construction of any bridge (except on the Hudson river below Waterford, and on the East river, or over the waters forming the boundaries of the state) which shall be applied for; and, in the case of a public bridge erected by a corporation, to establish the rates of toll to be collected. But where the bridge crosses a navigable stream of water, full provision shall be made in the resolution or permission authorising it for the erection and maintenance of a suitable draw to prevent any impeding of navigation; and, in the case of a private bridge, for the draw being kept open, so as to permit all vessels to pass without loss of headway. Where the bridge is at the dividing line of counties, the boards of supervisors of each county have to give the authorisation. Provision is made for boards of supervisors rebuilding bridges destroyed by the elements or otherwise, at the earliest practicable time, and buying out the rights of corporations or others owning the approaches, sites, &c., of destroyed bridges, "provided such purchase can be accomplished upon such terms as in the judgment of the board of supervisors are just to the public and to its best interests. But if, in the judgment of the board of supervisors, such purchase cannot be accomplished upon reasonable terms, then and in that case" the board can acquire a valid title to premises on either side of the destroyed bridge at a reasonable price, and provide for the construction and maintenance of a bridge and the approaches thereto upon premises other than the site upon which the destroyed bridge was located, provided the bridge to be constructed can be

so located outside of the old site as not to increase the distance to be travelled to reach either end of such bridge more than five rods. The construction and maintenance of the bridge, &c., are at public expense; and when completed, it is free for the use of the whole public, and all persons may use it as a public or common highway; and it shall be what is ordinarily understood to be a free bridge, subject to the rights of the board of supervisors of the county, which prescribes the weight that may or may not be carried over it, and the rate of speed beyond which any animal shall not be rode or driven, under such penalties for disobedience of the rules and regulations prescribed by the board as the board may deem proper.

4. To apportion, as such board may deem equitable, the expense of constructing any public bridge (except in the cases mentioned in the last preceding subdivision) over a stream or other water forming the boundary line of counties between the towns at such point, each county to pay not less than one-sixth thereof; and where the board deems the construction a general benefit to the county, and that the payment of two-thirds would be unjust to such towns, to apportion a certain additional proportion to the counties; and to authorise any town, on the vote of a majority of the electors, to vote at any annual town meeting, or regularly called special town meeting, to appropriate such a sum (to be raised as other bridge moneys) to aid in the construction and maintenance of any bridge outside the town or county boundaries, but forming a continuation of highways leading from such town or county and deemed necessary for the public convenience. The board can impose the expense of construction and maintenance upon the county at large within which the bridge and its approaches are situated, or upon such town or towns, city or cities, within the county.

5. To provide for the care, maintenance, preservation, and reparation of any draw or other bridge (except as aforesaid), and to severally apportion the expense on the towns respectively liable therefor, or on the respective counties when liable; but when such bridge spans any portion of the navigable tide-waters, forming at the point of crossing the boundary-line between two counties, the expense is a joint and equal charge on the two counties in which it is situated. No town or city not immediately adjacent to such waters at the point spanned by the bridge is liable for any larger proportion of the expense than the taxable property of such town or city bears to the total amount of taxable property of such county. But no such bridge shall be constructed unless it is authorised by a resolution adopted by a majority of the board of supervisors in each of such counties.

6. To authorise towns liable for the erection, &c., in whole or in part, of any bridge (except as aforesaid), to erect, &c., the same; and to borrow such sums of money as may be necessary, and to pay existing debt. But no authority shall be exercised except upon the application of a town liable to be taxed, to be made by vote of a majority of the electors, or upon the application of the supervisor, by and with the consent of the commissioner of highways, town-clerk, and justices of the peace of such town.

7. To authorise towns, when application is made therefor by a vote of a majority of the electors, to purchase, and any company owning the same to sell, the whole or any part of any plank, macadamised, or turnpike road, or any toll-bridge in such town or towns, or the franchises

thereof, for free public use, and to determine the proportion of expense proper to be borne by each town, where more than one applies.

8. To authorise the consolidation in any town of two or more of the established road districts therein, and the division of one into two or more; and to constitute the territory of any incorporated village into a separate road district; and to provide for the election or appointment of overseers of highways, &c.; but the commissioners or superintendents of streets or officers, &c., are the overseers of highways in incorporated village districts.

9. To authorise, in any county containing an incorporated city of 100,000 inhabitants or upwards, when any territory within such county and beyond such city's limits has been mapped out into streets and avenues in pursuance of law, the establishment of a plan for the grades of such streets and avenues, the laying out, &c., of the same, to provide for the estimation and award of damages for the assessment on property, and fixing assessment district therefor, the levying and payment of the amount of damages, &c., &c.; but the property owners owning more than one-half of the frontage on any street or avenue must petition for the laying out, &c., or the supervisor, justices of the peace, and commissioners of highways of the town, or two-thirds of such officers, give a certificate that the same is in their judgment proper and necessary for the public interest; or where the street or avenue lies in two or more towns, a like certificate of such town officers of each town, or of two-thirds of all of them; provided, however, the said officers, before proceeding to make such certificate, give ten days' notice by publication in one of the daily papers of the county, and by posting in six public places in such town, or in each of such towns, of the time and place at which they will meet for the purpose of considering the same, at which meeting the public and all persons interested may appear and be heard in relation thereto; and provided that no such street or avenue shall be laid out, &c., upon or across any lands acquired by the right of eminent domain, and held in fee for depot purposes by any railroad corporation, or upon or across lands held by any corporation formed for the purpose of improving the breed of horses, without the consent of such corporation. No town officer is entitled to charge for services under this Act, and no charge shall be made against the town or any of the property therein for the expense of publication of the said notice. These provisions do not apply to the towns of Flatbush and New Lotts, in the county of Kings.

County boards of supervisors also have authority under this Act, by resolution duly entered in their minutes of proceedings and published therewith—

1. To determine, unless the same has been determined by a court having jurisdiction thereof, upon the returns of the proper certifying officers, and upon such other testimony furnished to them as would be competent in a court of law, all cases of contested membership in their respective boards, and when so determined in any case, the decision is conclusive as to the right of the parties to the contest.

2. To make rules for the conduct of their proceedings, to compel the attendance of absent members at meetings of their respective boards, and for the maintenance of order and decorum at such meetings, and to enforce pecuniary penalties, not exceeding $50 for each offence, for the violation of such rules.

3. To determine, except in the county of Kings, in what newspapers,

not to exceed two, the election notices issued by the secretary of state and the official canvass shall be published, and to fix the compensation for such publication. But in cases where such publication is ordered to be made in two newspapers, such papers shall be of opposite political character.

The compensation of supervisors is fixed by this Act according to the per diem and other services rendered by them, and mileage at the rate of 8 cents per mile; but various local Acts make the office of supervisor a salaried office in particular counties, and fix the salary of the clerk of the board.

The clerk of the board of supervisors in each county transmits to the librarian of the state library, at Albany, a copy of the proceedings of such board annually, and within twenty days after the same is published.

The board of supervisors of Chautauqua can provide for the protection and preservation of ducks and fish in all waters within the territorial jurisdiction of that county, and bordering on said county within the jurisdiction of the state, and to prescribe and enforce the collection of all fines and penalties for the violation of any laws or regulations they make in relation to the same.

The board of supervisors of any county containing more than 300,000 acres of unoccupied and unimproved forest lands is, by the laws of 1880, chap. 175, authorised to establish separate highway districts in such county for the purpose of laying out and constructing highways through such unimproved and unoccupied tracts; and these districts are established upon the application of more than one-half of the non-resident lands to be included therein. Any highway district thus established consists of contiguous tracts or parcels, and may include parts of one or more towns, and may be changed, altered, or abolished at any time by the board of supervisors. The board can appoint one or more commissioners to lay out and construct highways in any such district, and prescribe their powers and duties, and also direct the manner of assessing highway taxes, &c.; also authorise the commissioners to borrow money on such terms as it directs, but not exceeding the amount of ten years' highway taxes upon the lands embraced within the district within which the loan is authorised.

County Treasurer.

The county treasurer, before entering upon the duties of his office, has to give a bond to the supervisors of the county, with three or more sufficient sureties approved by the board of supervisors, in such sum as they direct, conditioned that he shall faithfully execute the duties of his office, &c. The board may require from him a new and further bond when it deems the moneys intrusted to him unsafe, or the surety insufficient; and failure to renew as required, within twenty days after notification, works a forfeiture of his office, which becomes vacant. In addition, the county treasurer has to give a bond to the people of the state, with two or more sureties approved by the comptroller, in such penalty as the comptroller directs, conditioned that he shall faithfully execute the duties of his office, and pay over to the state treasury, according to law, all moneys belonging to the state, &c. Upon proper occasion, the comptroller may require a new and further bond. Should the treasurer make default in giving and filing this bond within the time limited, or neglect to renew, the comptroller causes a written notice to be served on him to furnish said bond, &c., within ten days; whereupon, if

there still be default, he is deemed to have vacated his office, and the governor appoints a proper person to fill the vacancy. The bond, with the approbation of the board of supervisors indorsed thereon, is filed in the county clerk's office. It is the duty of the treasurer to receive all county moneys, and all moneys belonging to the state which by law are directed to be paid to him; and to pay and apply such moneys in the manner required by law. He keeps a just and true account of receipts and expenditures in special books provided at the expense of the county. On or before the 1st day of March in each year, he transmits to the state comptroller a statement of all moneys received by him during the preceding year for penalties belonging to the people of the state; and it is his duty at the same time to pay to the state treasurer the amount of such penalties, after deducting his compensation, in the same manner as state taxes are directed to be paid. At the annual meeting of the board of supervisors, or whenever directed, the county treasurer exhibits to them all the books and accounts, and all vouchers relating to the same, to be audited and allowed. Upon the death, resignation, or removal from office of any county treasurer, all books and papers and all moneys are delivered to his successor in office, upon the oath of the preceding county treasurer, or, in case of his death, upon the oath of his executors or administrators; and failure to so deliver, when lawfully demanded, entails a forfeiture to the county of $1250. The county treasurer is entitled to retain a commission of 1 per cent on every dollar which he receives and pays—to wit, one-half for receiving and the other half for paying. All moneys recovered, when the condition of the county treasurer's bond is forfeited, are applied by the board of supervisors to the use of the county, unless recovered for the use of the state, in which case they, or so much thereof, are paid to the treasurer of the state. The chamberlain of the city and county of New York is considered the county treasurer thereof.

It is the duty of the several county treasurers of the state, on or before the 1st day of April in each year, to pay to the treasurer of the state the amount of state tax raised and paid over to them respectively, retaining his proper compensation, which shall not in any case exceed the sum of $2000. The comptroller charges on all sums withheld such rate of interest, not exceeding 10 per cent per annum, as is sufficient to repay all expenditures incurred by the state in borrowing money equivalent to the amount withheld, and that from the 1st day of April in each year; and he may collect this interest from such defaulting county treasurer by suit. According to the annual supply bill, every county pays its quota of state taxes into the state treasury, one-half on or before 15th April, and the other half on or before 1st May in each year.

It is the duty of the county treasurer, except the city and county of New York, within twenty days after he has entered upon the duties of his office, to designate by written instrument, a duplicate copy being filed in each of the offices of the county clerk and state treasurer, one or more good and solvent banks, bankers, or banking associations in the county, or, failing such, in an adjoining county within the state, for the deposit of all moneys received by such treasurer, and to agree with such banks, &c., as to interest, which shall once in six months be credited to the account of such county treasurer for the use of the county. The treasurer shall deposit, at least once

in each week, and in any county containing a city having over 10,000 inhabitants, daily, all moneys received by him. In no county having a city of over 20,000 inhabitants shall any bank, &c., be selected as depository which has not at least $100,000 of unimpaired capital stock. Each bank, &c., so designated, for the benefit and security of the county and before receiving any deposit, has to give to the county supervisors a good and sufficient bond, with two or more sureties approved by the county judge of the county in which the bank, &c., is located, and the chairman of the board of supervisors of the county of which the treasurer is an officer, and by such treasurer. This bond is filed by the clerk of the board of supervisors in the office of the clerk of such county. The default of any depository in relation to such moneys is deemed the default of the treasurer, and he and his sureties are liable therefor. The board of supervisors fixes the treasurer's salary, and may authorise him to employ such clerks and assistants as it may deem necessary, and at the compensation it fixes. The treasurer makes quarterly, and at such other times as the board of supervisors by resolution requires, a true statement in writing of moneys received, deposited, and paid out, the correctness of which is verified by him, and files it with the county clerk; and this statement is published, as soon thereafter as may be, in the newspapers designated by the board for the publication of the session laws in the county; and a copy of this statement is transmitted by mail to the comptroller and treasurer of the state. Any county treasurer wilfully misappropriating moneys, &c., or guilty of any other malfeasance or wilful neglect of duty in his office, is, upon conviction, punished by fine of from $500 to $10,000, or imprisonment in a state prison of from one to five years, or by both, in the discretion of the court. The governor may remove any county treasurer for cause, and the vacancy is supplied temporarily by the board of supervisors. Certain counties are exempt from the provisions of this Act. (Laws of 1877, chap. 436.)

Clerks of Counties.

The clerk of each county has the custody of all the books, records, deeds, parchments, maps, and papers deposited or kept in his office, and it is his duty from time to time carefully to attend to the arrangement and preservation thereof. At the expense of the county, he provides proper books for the recording of deeds, mortgages, or other conveyances acknowledged or proved according to law, and for the recording of all other papers, documents, or matters required by law to be recorded in his office. He also receives and files all papers and documents directed to be filed therein. With the exception of certain counties, for which there are special provisions, the clerk's offices in the other counties shall be kept within one mile of a court-house in such county. Every county clerk appoints some proper person deputy clerk of his county, to hold during the pleasure of the clerk; and as often as such deputy clerk dies, resigns, or is removed from office, or removes out of the county, or becomes incapable of executing the duties of the office, another is appointed in his place. Every such appointment is in writing, under the hand and seal of the clerk, and is recorded in the office of the clerk of the county. Every deputy clerk, before entering on the duties of his office, takes the oath of office prescribed in the state constitution. Whenever the county clerk is absent

from his office, his deputy may perform all the duties appertaining to his office, except that of deciding upon the sufficiency of sureties for any officer; and whenever the said office becomes vacant, the deputy performs all the duties, and is entitled to all the emoluments, and is subject to all the penalties appertaining to the county clerk's office until a new clerk is elected or appointed and duly sworn. Whenever any commission or supersedeas is received at the clerk's office of any county, it is the duty of the clerk forthwith, at the expense of the state, to give notice thereof to every person named in such commission or supersedeas. Whenever any person appointed to any office in any county, who is required by law to execute a bond previous to entering on the duties of his office, or to renew such bond, neglects to execute or renew such bond in the manner and within the time required by law, it is the duty of the clerk of such county to give notice to the governor of such neglect. On or before the 15th day of January in each year, each county clerk shall give information to the governor of all persons appointed to offices in his county who, during the previous year, have taken the oath of office or given the bond required by law, and of all persons required to take such oath or give such bond, who have neglected so to do; and also of all vacancies in any civil office. The compensation of the several county clerks for services and expenses in performing the three last specified provisions, and their fees for registering or recording any mortgage to the people of the state, are audited by the comptroller and paid out of the treasury. The clerk of each county shall, on or before the 1st day of January in each year, report to the comptroller the names of all the religious societies incorporated in his county during the preceding year. Copies of all papers duly filed in the county clerk's office, and transcripts from the books of records kept therein, certified by such clerk, with the seal of his office affixed, are evidence in all courts in like manner as if the originals were produced. In all cases in which a county clerk is authorised to judge of the competency of the sureties offered by a person appointed to office, if there be a vacancy in such clerk's office, or he is absent from the county, or is incapable of performing the duties of his office, it is lawful for any two judges of the county courts, of whom the first judge shall be one (unless there is a vacancy in his office, or he is absent or incapable as aforesaid), to decide upon the competency of such sureties, and for that purpose to administer any oath and make any examination that may be required. It is the duty of county clerks to make a report to the district attorney of their respective counties of all omissions, by any town officers, to make and transmit any returns or certificates which by law they are required to make to such clerk, and the district attorney forthwith proceeds to enforce the penalty by law imposed upon such delinquent officers.

The register of the city and county of New York, and every county clerk, keeps in his office a book in which he enters all fees charged or received by him for official services, the time of rendering the same, the persons, if known to him, for whom the same were rendered, and a brief statement of the nature of the services for which any fee is charged or received. These books are open for inspection, without fee or reward, at all times when the office in which they are kept is open for the transaction of business. Said register and every county clerk, between the 1st and 10th days of January in each year, make and

transmit, free of expense, to the secretary of state, a statement for the year ending as at 31st December, exhibiting—

1. The amount of all fees charged or received by the person making the same, for recording deeds, mortgages, and other papers, and for certificates of such recording.

2. All fees charged or received by him for searching the files and records of his office, and for certificates of such searches.

3. All sums charged or received by him for services rendered for the county.

4. All sums charged or received by him for all other official services.

5. The sums paid by him for assistance, the names of the persons to whom the same were paid, and also the sums paid for fuel, lights, and stationery, and other expenses incident to his office, with the particular items thereof.

To every such statement the affidavit of the person making the same, that the facts therein set forth are true, is annexed or subjoined; and this affidavit must be sworn to before some officer authorised to take affidavits to be read in the supreme court. No county clerk shall make any charge against the county for fuel or lights for his office, or for stationery, except record-books and stationery furnished by him for courts held in the county, and no charge is made by any county clerk or register for filing and docketing the transcript of a judgment entered in any other office in the state. Every register of deeds has and keeps an official seal for his office, and all certificates required by law to be made by him are under his hand and official seal; and in all the counties of the state having two shire towns, the board of supervisors in said county procures a duplicate of the seal of such county, which is kept at the shire town where the county clerk's office is not situated, at some safe place designated by said county clerk, and may be used by him the same as if at his office. Except where otherwise provided by law, it is the duty of each county clerk, upon assuming the duties of his office, to execute a bond with at least two sureties to the board of supervisors of the county in which he is clerk, in such sum, with such sureties, and in such form as said board prescribes and approves, conditioned that he will faithfully execute and discharge the duties of county clerk, and will truly account for all moneys deposited with him pursuant to the order of any court, or by his predecessor in office, and pay them over as directed by law or by order of court.

Sheriffs and Coroners.

Every sheriff, within twenty days after he receives notice of his election, and before he enters upon the execution of the duties of his office, executes with sureties, who shall be freeholders, a joint and several bond to the people of the state, the condition of the bond being in the form prescribed, and to the effect that he "shall well and faithfully in all things perform and execute the office of sheriff, . . . without fraud, deceit, or oppression," &c. The bond executed by the sheriff of the city and county of New York is in the penal sum of $20,000 with two sureties, and the bond by every other sheriff in $10,000 with two or more sureties. These bonds are filed in the clerk's office of the county for which the sheriff executing it has been elected, and the clerk, at the time of filing the same, administers an oath to each of the sureties named therein that he is a freeholder within the state, and worth, &c. This oath is indorsed on the bond, and subscribed by each

of the sureties in the presence of the clerk, who, notwithstanding, judges of and determines the competency of such sureties. It is the duty of every sheriff, within twenty days after the first Monday of January in each subsequent year, to renew the security so required to be given by him. As soon as may be after taking upon himself the execution of his office, he appoints some proper person under-sheriff of the same county, to hold during his pleasure; and as often as a vacancy occurs in the office of such under-sheriff, or he becomes incapable of executing the same, another is in like manner appointed in his place. Whenever a vacancy occurs in the office of sheriff, the under-sheriff executes in all things the office of sheriff until a sheriff is elected or appointed and duly qualified; and any default or misfeasance in office of such under-sheriff in the meantime, as well as before, is deemed to be a breach of the condition of the bond given by the sheriff who appointed him, and also a breach of the condition of the bond executed by such under-sheriff to the sheriff by whom he was appointed. Every sheriff may appoint such and so many deputies as he may think proper; and persons may also be deputed by any sheriff or under-sheriff by an instrument in writing to do particular acts. Appointments of an under-sheriff or of a deputy-sheriff are by writing under the hand and seal of the sheriff, and are filed and recorded in the office of the clerk of the county; and every under or deputy sheriff, before entering on the duties of his office, takes the oath of office prescribed in the constitution—but this does not apply to persons deputed to do a particular act only. The sheriff of the city and county of New York has the custody of the jail in that city for the confinement of persons committed on civil process only, and of the prisoners in the same; and the sheriff of every other city and county has the custody of the jails and of the prisons thereof, and the prisoners in the same. The sheriffs respectively may appoint keepers of such jails and prisons, for whose acts they are severally responsible.

Whenever a sheriff is required by any statutory provision to perform any service in behalf of the people of the state, and for their benefit, which is not made chargeable by law to his county, or to some officer or other person, his account for such service is audited by the comptroller and paid out of the treasury. Whenever the sheriff of any county is committed to the custody of any other sheriff, or to the custody of any coroner or coroners, by virtue of any execution or attachment founded on the non-payment of moneys received by him by virtue of his office, and remains so committed for the space of thirty days successively, such facts shall be represented to the governor by the officer in whose custody such sheriff may be, to the end that such sheriff may be removed from office. Whenever a vacancy occurs in the office of sheriff of any county, and there is no under-sheriff, or the office of such under-sheriff becomes vacant, or he becomes incapable of executing the same before another sheriff of the same county is elected or appointed, and there are more than one coroner of such county then in office, it is the duty of the first judge of the county forthwith to designate one of these coroners to execute the office of sheriff of the same county until a sheriff thereof is elected or appointed and qualified. Such designation is by instrument in writing, and is signed by the judge and filed in the office of the clerk of the county, who immediately gives notice thereof to the coroner. The coroner so designated, within six days thereafter, executes, with sureties, a joint and several

bond to the people of the state similar to the bond required by law from the sheriff; and should he not give such security, it is the duty of the first judge to designate, in like manner, another coroner of the county to assume the office of sheriff. In case it is necessary to do so, the first judge proceeds to make successive designations until all the coroners have been designated in similar manner. Whenever any vacancy occurs in the office both of sheriff and under-sheriff of any county, if there be but one coroner then in office he is entitled to execute the office of sheriff until a sheriff is duly elected or appointed and qualified; but before he enters on the duties of such office, and within ten days after the happening of the vacancy in the office of the under-sheriff, he shall execute with sureties a joint and several bond to the people similar to that required from the sheriff. But if he neglects or refuses to execute this bond within the time specified, or if all the coroners, where there are more than one in office on the happening of such vacancies, successively neglect or refuse to execute such bond within the time required, it is the duty of the first judge of the county to appoint some suitable person to execute the office of sheriff until a sheriff is duly elected or appointed and qualified. Such appointment is in writing, under the hand and seal of the first judge, and is filed in the office of the county clerk, who forthwith gives notice thereof to the person so appointed. This appointee, within six days after receiving such notice, and before entering on the duties of the office, gives such security as may be required by law of the sheriff, and thereupon executes the office of sheriff until a sheriff is duly elected or appointed and qualified. Until the vacancy is filled as described, the coroner or coroners of the county in which such vacancies exist execute the office of sheriff. Whenever any under-sheriff, coroner, coroners, or other person execute the office of sheriff, pursuant to the above provisions, the person so executing such office is subject to all the duties, liabilities, and penalties imposed by law upon a sheriff duly elected and qualified.

Surrogates.

Every person appointed or elected to the office of surrogate of any county, within twenty days after receiving notice thereof, executes to the people of the state, with two or more sufficient sureties, being resident freeholders, a joint and several bond, conditioned for the faithful performance of his duties, and for the application and payment of all moneys and effects that may come into his hands as such surrogate in the execution of his office. The bond of the surrogate of the city and county of New York is in the penal sum of $50,000, and of the county of Kings in the penal sum of $25,000; and the bond of every other surrogate is in the penal sum of $10,000. Every surrogate's bond is properly acknowledged by all the persons who execute the same, and the sureties therein justify in the aggregate in double the penalty of the bond. Every such bond is recorded by the clerk of the county in whose office the same is, filed in the record of deeds in his office; and such record, or a certified copy thereof, is evidence of the same force and effect as the original bond in any action or proceeding against such surrogate or his sureties. The clerk of the county for which such surrogate has been appointed is the judge of the sufficiency of the sureties; and in case he is satisfied, by the oath of the sureties or otherwise, that they are good and sufficient, he indorses on the bond a certificate of

his approval, and files such bond in his office, there to remain a matter of record.

District Attorneys.

It is the duty of every district attorney to attend the courts of oyer and terminer and jail delivery, and general sessions held from time to time in the county for which he has been appointed; and to conduct all prosecutions for crimes and offences cognisable in such courts. When he fails to attend any of these courts, it is the duty of such court to appoint some proper person, being an attorney or counsellor-at-law, to transact the business of the district attorney during the sitting of the court; and the person so appointed is entitled to the same compensation for the services he performs that the district attorney would have been entitled to for the like services, and his account is audited and paid in the same manner. It is the duty of the several district attorneys to prosecute for all penalties and forfeitures exceeding $50, which may be incurred in their respective counties, and for which no other officer is by law specially directed to prosecute; and whenever he receives any moneys for fines, recognisances, forfeitures, or penalties, to deliver to the officer or person paying the same duplicate receipts, one of which is filed by such officer or person in the office of the county treasurer. Every district attorney, on or before the first Tuesday of October in each year, files in the office of the county treasurer an account in writing, verified by his oath, of all moneys received by him by virtue of his office during the preceding year, and at the same time pays over such moneys to the county treasurer. Whenever a district attorney refuses or neglects to account for and pay over the moneys so received by him, it is the duty of the county treasurer to cause a suit to be instituted for the recovery of such moneys for the benefit of the county against such district attorney. The district attorney of the city and county of New York receives for his services an annual salary of $12,000, and the district attorneys of all the other counties in the state are paid for their services in conducting criminal prosecutions by their respective counties upon their accounts, duly taxed by some officer authorised to tax bills of costs in the supreme court, according to the rates allowed by law. But the board of supervisors of the several counties, New York excepted, may, at any annual meeting duly convened, lawfully determine that the office of district attorney of such county shall be a salaried office, and fix the amount of compensation; and the salary when so fixed shall not be diminished during the term for which the district attorney has been elected. This salary is a county charge, and is paid by the county treasurer yearly or quarter-yearly, as the board of supervisors may determine, in lieu of the fees provided by law. No district attorney shall act as a justice of the peace. Every salaried district attorney has, within thirty days after the receipt by him of any money for judgments, fees, or costs in suits, brought upon recognisances or otherwise received or collected by him by virtue of his office, to pay over the same, except his taxable disbursements therein, to the treasurer of said county for the use of the county.

It is lawful for the supervisors of any county, having at least a population exceeding 70,000, to authorise the district attorney of such county to appoint a suitable person to be his assistant. Every such appointee must be a counsellor-at-law, and a citizen and resident of the county

in which he is appointed; and his appointment shall be in writing, under the hand and seal of the district attorney, and be filed in the clerk's office of the county. Before entering on the duties of his office, the appointee takes and subscribes the constitutional oath of office. Every such appointment may be revoked by the district attorney making the same, which revocation shall be in writing, and be filed in the said county clerk's office. Such assistant lawfully attends all the criminal courts which may be held in his county, and assists in conducting all prosecutions for crimes and offences cognisable therein; he also attends and appears before any grand jury in his said county, and performs the same duties before such jury as are by law imposed upon or required by the district attorney. The board of supervisors fixes the rate of compensation to be paid him.

The district attorney of any county in which an important criminal action is to be tried, with the approval, in writing, of the county judge of the county, which is filed in the county clerk's office, may employ counsel to assist him in such trial; and the cost and expense thereof, and also the cost and expense of any counsel assigned, designated, or appointed by the governor or attorney-general, at the request of the district attorney, to assist him on the trial of any such action, are certified by the judge presiding on such trial, and are a charge upon the county in which the indictment in the action is found, and shall be assessed, levied, and collected by the board of supervisors at the next annual assessment, levy, and collection of county taxes, after such services have been performed, and thereupon be paid over to the party entitled to the same. The state is in no case liable for any such services.

Legal Proceedings in favour of and against Counties.

Whenever any controversy or cause of action exists between any of the counties of the state or between any such county and an individual or individuals, such proceedings are had and are conducted in like manner, and the judgment or decree therein has the like effect, as in other suits or proceedings of a similar kind between individuals and corporations. The county sues, or is sued, in the name of the board of supervisors thereof, except where county officers are authorised by law to sue in their name of office, for the benefit of the county. In all legal proceedings against the board of supervisors the first process, and all other proceedings requiring to be served, are served on the chairman or clerk of the board of supervisors; and whenever any such suit or proceeding is commenced, it is the duty of such chairman or clerk to lay before the board of supervisors at their next meeting a full statement of such suit or proceeding for their direction in regard to the defence thereof. On the trial of every action in which a county is interested, the electors and inhabitants thereof are competent witnesses and jurors. Any action in favour of a county, which, if brought by an individual, could be prosecuted before a justice of the peace, may be prosecuted by such county in like manner before any such justice. In all suits and proceedings prosecuted by or against counties or by or against county officers in their name of office, costs are recoverable as in the like cases between individuals. Judgments recovered against counties or against county officers in actions prosecuted by or against them in their name of office, are county charges, and, when levied and collected, are paid to the per-

son to whom the same have been adjudged.

Miscellaneous and Special Provisions.

All town and county officers and all other persons who present to the board of supervisors accounts for their services to be audited and allowed, exhibit, before any such account or claim is passed upon or allowed, a just and true statement in writing of the nature of the service performed; and where a specific compensation is not provided by law, a just and true statement of the time actually and necessarily devoted to the performance of such services.

The following are deemed county charges:—

1. The compensation of the members of the board of supervisors, of their clerk, and of the county treasurer.

2. The fees of the district attorney, and all expenses necessarily incurred by him in criminal cases arising within the county.

3. The accounts of the criers of the several courts within the county, for their attendance in criminal cases.

4. The compensation of sheriffs for the commitment and discharge of prisoners on criminal process within their respective counties.

5. The compensation allowed by law to constables for attending courts of record, and reasonable compensation to constables and other officers for executing process on persons charged with criminal offences; for services and expenses in conveying criminals to jail; for the service of subpœnas issued by any district attorney; and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

6. The expenses necessarily incurred in the support of persons charged with or convicted of crimes, and committed therefor to the several jails of the county.

7. The sums required by law to be paid to prosecutors and witnesses in criminal cases.

8. The accounts of the coroners of the county for such services as are not chargeable to the persons employing them.

9. The moneys necessarily expended by any county officer in executing the duties of his office in cases in which no specific compensation for such services is provided by law.

10. The accounts of the county clerks for services and expenses incurred in connection with elections other than for militia and town officers.

11. All charges and accounts for services rendered by any justice of the peace under the laws for the relief and settlement of the poor of such county, and for their services in the examination of felons, not otherwise provided by law.

12. The sums necessarily expended in each county in the support of county poorhouses, and of indigent persons whose support is chargeable to the county.

13. The sums required to pay the bounties allowed by law for the destruction of wolves and other noxious animals and chargeable to the county.

14. The sums necessarily expended in repairing the court-houses and jails of the respective counties.

15. The contingent expenses necessarily incurred for the use and benefit of a county; and

16. Every other sum directed by law to be raised for any county purpose, under the direction of a board of supervisors.

Accounts for county charges of every description are presented to the board of supervisors of the

county to be audited by them; and the moneys necessary to defray these charges of each county are levied on the taxable property in the several towns in such county in the manner prescribed by law. And in order to enable their respective county treasurers to pay such contingent expenses as may become payable from time to time, the boards of supervisors of the several counties annually cause such sum to be raised in advance in their respective counties as they deem necessary for that purpose.

Whenever any person who has contributed to the marine hospital fund, and is not a citizen of the county of Richmond, is charged with having committed any crime or misdemeanour within the jurisdiction of that county, and on the premises called the quarantine ground, or within the limits of buoys designating the place of anchorage for vessels at quarantine, all the expenses and charges actually incurred and paid by the county of Richmond in the apprehension, trial, and maintenance of such persons are repaid to the treasurer of that county by the health commissioner out of the moneys which may from time to time be in his hands for the use of the marine hospital. Such payment is made on the order in writing of the board of supervisors of the county of Richmond, accompanied by a specification of such expenses and charges.

The county of acts in conjunction with the county of as a part thereof until the said county of is organised as a separate county, in conformity to the Act entitled "An Act to divide the county of into two counties, and for other purposes," passed 188 .

Each officer in the several counties who receives, or is authorised by law to receive, any money on account of any fine or penalty or other matter in which his county, or any town or city therein, has an interest, makes a report in writing every year, bearing date the first day of November, in which he states particularly the time when, and the name of the person or persons from whom, such money has been received, and also all sums remaining due and unpaid, which report includes all receipts of money before-mentioned that he has received during the year next preceding the date of his report, or states that he has received no such moneys. This report is made to the board of supervisors of his county, duly verified by oath, and filed with the clerk of the board on or before the 5th day of November in each year; and no officer is entitled to receive payment for services, salary or otherwise, from the supervisors, or from a city or county treasurer, unless he files with the supervisors his affidavit that he has made such report, and has paid over all moneys which he is bound to pay over. Each officer who has received such moneys shall, within ninety days after the receipt thereof, pay the whole amount so received, without deduction, to the treasurer of the county, who gives to such person duplicate receipts therefor, one of which shall be attached to the annual report to the board of supervisors; but this does not apply to moneys received and specially appropriated for any town or city purpose. District attorneys are required to sue for and recover in behalf of and in the name of their respective counties, moneys received on account of such county, or any city or town therein, and not paid to the county treasurer as stated. All moneys belonging to any town or city in such county which are received by the county treasurer, are distributed to the several towns or cities entitled to the same by resolutions passed by a majority of the board of supervisors

at any legal meeting thereof, which resolutions are entered at length in the minutes of the proceedings of said court.

TAXATION.

The following property is exempt from taxation in the State of New York :—

1. All property, real or personal, exempted from taxation by the constitution of the state or under the Constitution of the United States.

2. All lands belonging to the state or the United States.

3. Every building erected for the use of a college, incorporated academy, or other seminary of learning ; every building for public worship ; every schoolhouse, court-house, and jail ; and the several lots whereon such buildings are situated, and the furniture belonging to each of them. This exemption does not apply in the city of New York unless the buildings are used exclusively for said purposes.

4. Every poorhouse, almshouse, house of industry, and every house belonging to a company incorporated for the reformation of offenders or to improve the moral condition of seamen, and the real and personal property used for such purposes belonging to or connected with the same.

5. The real and personal property of every public library.

6. All stocks owned by the state or by literary or charitable institutions. This exemption is for the benefit of the state or the literary or charitable institutions owning such stocks, and not for the benefit of the corporations.

7. The personal estate of every incorporated company not made liable to taxation on its capital.

8. The personal property of every minister of the Gospel, or priest of any denomination, and the real estate of such minister or priest when occupied by him, provided such real and personal estate do not exceed the value of $1500.

9. All property exempted by law from execution.

And also, by special enactments—

10. The Mint, or branch Mint, of the United States in the city of New York ; lands, buildings, machinery, bullion, metal, coin therein.

11. The Assay Office of the United States in the city of New York ; land, buildings, machinery, metal, bullion, coin, bars, ingots therein.

12. All lands held by any agricultural society, and permanently used for show-grounds, during the time so used.

13. Deposits in savings banks due to depositors, and accumulations in any life insurance company organised under the laws of the state, so far as held for the exclusive benefit of the assured.

14. The portion of property, real and personal, of the Society of the New York Hospital, a charitable corporation located in the city and county of New York, from which no income is derived.

15. $4\frac{1}{2}$ per cent bonds and stocks issued by the commissioners of "the sinking fund of the city of New York for the redemption of the city debt," are exempt from taxation by the city and county of New York, but not from state taxation.

16. All vessels registered at any port in the state, and owned by American citizens, &c., engaged in ocean commerce with any foreign port, are exempt from all taxation in the state for state and local purposes ; and all such corporations, all of whose vessels are employed between foreign

ports and ports in the United States, are exempt from all taxation in the state for state and local purposes upon their capital stock, franchises, and earnings for the period of fifteen years (laws of 1881, chap. 433).

Every person is assessed in the town or ward where he resides when the assessment is made for all lands then owned by him within such town or ward, and occupied by him or wholly unoccupied. Lands occupied by a person other than the owner may be assessed to the occupant as lands of non-residents, or, if the owner resides in the county in which such lands are located, to such owner. Unoccupied lands not owned by a person residing in the ward or town where the same are situated are denominated "lands of non-residents," and are assessed as specially provided. When the line between two towns or wards divides a farm or lot, the same is taxed, if occupied, in the town or ward where the occupant resides; if unoccupied, each part is assessed in the town in which it lies; and this whether such division-line be a town line only, or be also a county line. Every person is assessed in the town or ward where he resides when the assessment is made, for all personal estate owned by him, including all personal estate in his possession or under his control as agent, trustee, guardian, executor, or administrator, and in no case is property so held under either of these trusts assessed against any other person; and in case any person possessed of such personal estate resides during any year in which taxes may be levied in two or more counties, towns, or wards, his residence, for the purposes and within the meaning of this enactment, is deemed and held to be in the county, town, or ward in which his principal business has been transacted; but the products of any state of the United States consigned to agents in any town or ward of the state for sale on commission for the benefit of the owner thereof are not assessed to such agents, nor are such agents of moneyed capitalists liable to taxation under this enactment for any moneys in their possession or under their control transmitted to them for the purposes of investment or otherwise. The real estate of all incorporated companies liable to taxation is assessed in the town or ward in which the same lies, in the same manner as the real estate of individuals. All the personal estate of every incorporated company liable to taxation on its capital is assessed in the town or ward where the principal office or place for transacting the financial concerns of the company is; or if such company has no principal office or place for transacting its financial concerns, then in the town or ward where the operations of such company are carried on. In the case of toll-bridges, the company owning such bridge is assessed in the town or ward in which the tolls are collected; and where the tolls of any bridge, turnpike, or canal company are collected in several towns or wards, the company is assessed in the town or ward in which the treasurer or other officer authorised to pay the last preceding dividend resides.

The assessors chosen in each town or ward between the first days of May and July in each year, obtain the necessary information and prepare an assessment-roll, in which they set down in four separate columns, and according to the best information in their power, (1) the names of all the taxable inhabitants in the town or ward, as the case may be; (2) the quantity of land to be taxed to each person; (3) the full value of such land, according to the definition of the term land as given in the Act; (4) the full value of all

the taxable personal property owned by such person, after deducting the just debts owing by him. All real and personal estate liable to taxation is estimated and assessed by the assessors at its full and true value, as they would appraise the same in payment of a just debt from a solvent debtor. The roll is completed on or before 1st August, and forthwith notices are put up at three or more public places in their town or ward, setting forth that the assessment-roll has been completed, and a copy is left with one of the assessors, where it may be seen and examined during twenty days by any person interested until the third Tuesday of August; and that on that day the assessors will meet at a time and place also specified in the notice to review their assessments. All complaints in relation to the assessments are then heard and examined, and, if necessary, there may be adjournments in terms of law. In the several cities the said notices may conform to the requirements of the respective laws regulating the time, place, and manner for revising the assessments in said cities, in all cases where a different time, place, and manner is prescribed by said laws from that mentioned in this Act. The completed assessment-roll is subscribed by the assessors, or a majority of them, and sworn to by them in certain prescribed terms before one of the justices of the town or city in which they reside; and the certified roll is, on or before the 1st day of September, delivered by the assessors of each ward in the city of New York to the clerk of the city, and by the assessors of every other town or ward to the supervisor thereof, who delivers the same to the board of supervisors at their next meeting.

The board of supervisors of each county, at their annual meeting, examine the assessment-rolls of the several towns in their county, for the purpose of ascertaining whether the valuations in one town or ward bear a just relation to the valuation in all the towns and wards in the county; and they may increase or diminish the aggregate valuations of real estates in any town or ward, by adding or deducting such sum upon the hundred as may in their opinion be necessary to produce a just relation between all the valuations of real estates in the county; but they shall in no instance reduce the aggregate valuations of all the towns and wards below the aggregate valuation thereof as made by the assessors. They also estimate and set down in a fifth column, opposite to the several sums set down as the valuations of real and personal estates, the respective sums in dollars and cents, rejecting fractions of a cent, to be paid as a tax thereon. They also add up and set down the aggregate valuations of the real and personal estates in the several towns and wards, as corrected by them; and cause their clerk, on or before the second Monday in December, to transmit to the comptroller by mail a certificate in the form prescribed by the comptroller of such aggregate valuation, showing separately the aggregate amount of real and personal estate in each town or ward, as corrected by the board. The corrected assessment-roll of each town or ward, or a copy thereof, is delivered to each of the supervisors of the several towns or wards, who delivers the same to the clerk of their city or town, to be kept by him for the use of such city or ward. The several boards of supervisors cause the corrected assessment-roll of each town or ward in their respective counties, or a fair copy thereof, to be delivered to the collector of such town or ward, on or before the 15th day of December. Each such assessment-roll has

annexed to it a warrant under the hands and seals of the board of supervisors, or of a majority of them, commanding each collector to collect from the several persons named in the roll the several sums mentioned in the last column opposite to their respective names. If the warrant is directed to the collector of a town, it directs him, out of the moneys so to be collected, after deducting the compensation to which he may be legally entitled, to pay—

1. To the commissioners of common schools of his town, such sum as has been raised for the support of common schools therein.

2. To the commissioners of highways, such sum as has been raised for the support of highways and bridges therein.

3. To the overseers of the poor of the town, if there be no county poor-house or other place provided in the county for the reception of the poor, such sum as has been raised for the support of the poor in such town.

4. To the supervisor of the town, all other moneys which have been raised therein to defray any other town expenses; and

5. To the treasurer of the county, the residue of the moneys so collected.

If the warrant be directed to the collector of a ward, it directs him to pay all the moneys collected, after deducting his commission, to the treasurer of the county. In all cases the warrant authorises the collector, in case any person named in the assessment-roll refuses or neglects to pay the tax, to levy the same by distress and sale of the goods and chattels of such person; and it requires all payments therein specified to be made by such collector on or before the first day of February then next ensuing. As soon as the board of supervisors has sent or delivered the rolls, with such warrants annexed, to the collectors, they transmit to the treasurer of the county an account thereof, stating the names of the several collectors, the amounts of money they are respectively to collect, the purposes for which the same are to be collected, and the persons to whom and the time when the same are to be paid; and the county treasurer, on receiving such account, charges to each collector the sums to be collected by him. Whenever the laws respecting cities have directed the moneys assessed for any local purpose to be paid to any person or officer other than those named above, the collector's warrant may be varied accordingly, so as to conform to such alteration.

The commissioners of the land office and three state assessors constitute a board of equalisation, whose duty it is to equalise the state tax among the several counties of the state, and to fix the amount of assessment of real and personal estate on which the state tax shall be levied in each county. These state assessors are nominated by the governor and appointed by and with the advice and consent of the senate, and hold office for three years and until their successors are duly qualified; but it was so arranged by lot that the term of office of one expires in each year. They have power to swear witnesses and examine all persons and papers which they deem necessary to the proper discharge of their duties, and the state, town, county, and city officers furnish them with all information belonging to or connected with their respective offices, and copies of all papers in their various offices which the assessors may require of them in the proper discharge of their duties. Any two of the assessors have authority to transact all business appertaining to their office, but all three must be duly notified of each and every meeting for the transaction of business. Va-

cancies occurring while the Senate is not in session may be filled by the governor, and any person so appointed holds the office for the balance of the term, provided his appointment is confirmed by the senate on the nomination of the governor at the next session thereof. The state assessors visit officially every county in the state, at least once in two years, and prepare a written digest of such facts as they deem most important for aiding the board of equalisation in the discharge of its duties. They commence a course of examination and visitation of the counties in the month of May.

The board of equalisation meets in the city of Albany on the first Tuesday in September in each year, for the purpose of examining and revising the valuations of the real and personal estate of the several counties as returned to the office of the comptroller, and fixing the aggregate amount of assessment for each county, on which the comptroller computes the state tax. This board may increase or diminish the aggregate valuations of real estate in any county by adding or deducting such sum as, in their opinion, may be just and necessary to produce a just relation between all the valuations of real estate in the state; but they shall in no instance reduce the aggregate valuations of all the counties below the aggregate valuations thereof as returned by the boards of supervisors to the comptroller's office. A statement of the amount of assessment for each county, as fixed by the board of equalisation, is certified by this board and deposited in the office of the comptroller as soon as completed, and before the tenth day of October in each year. The comptroller immediately ascertains from this assessment the proportion of state tax each county shall pay, and sends a statement of the amount by mail to the county clerk and the chairman and clerk of the board of supervisors of each county. If the name or residence of the chairman or clerk of the board of supervisors is unknown to the comptroller, he may enclose the statement in an envelope addressed to him by his name of office, and directed to the county town of the county. The county clerk files the statement received by him in his office, and immediately sends a copy thereof to the chairman of the board of supervisors of the county. The amount of state tax which each county is to pay is assessed by the supervisors or other officers authorised to make the assessment of state taxes in the tax-roll for the calendar year, and is included in and collected by the annual collection of taxes in the several counties, in the manner prescribed by law. If the board of supervisors or other officers neglect or refuse to include and assess such tax, or any part thereof, in the assessment-roll, then the comptroller of the state may immediately proceed by mandamus before any court having jurisdiction to compel this board or other officers to do so, or to make a new assessment for the same, which shall be collected as provided for the collection of other taxes. The state assessors take the usual oath of office, receive an annual salary of $2500 each, and not to exceed $500 each for other expenses while engaged in the discharge of their official duties, and the books and papers are deposited with the comptroller.

Any supervisor may appeal in behalf of the town, city, or ward which he wholly or in part represents to the state assessors from any act or decision of the board of supervisors in the equalisation of assessments, and the correction of the assessment rolls. A notice of appeal is served on the state assessors, by filing the same in the office of the secretary of state within ten days after the final com-

pletion of the corrected assessment-rolls by the board of supervisors; and such notice is also served on the chairman of said board of supervisors within the same time. The state assessors hear the appeal in the county in which it originated, and determine whether any, and, if any, what deduction ought to have been made from the corrected valuations of such town, city, or ward; and in the assessment and collection of taxes of the next following year, such town or city is credited with the amount of taxes levied from it on such excess of valuation, and the same is levied and collected from the other towns and cities of the county. The state assessors certify their determination in writing to the board of supervisors, and forward the same by mail within ten days thereafter to the clerk of said board of supervisors, directed to him at his post-office address. Such appeals must be made and filed before the commencement of the next succeeding annual session of the board of supervisors. The costs and expenses are a charge upon the town, city, or ward appealing, when the appeal is not sustained, and, audited by the board of supervisors, are levied upon the taxable property. When the appeal is sustained, the state assessors certify the reasonable costs and expenses on the part of the appellant and respondent, and such amounts so certified are audited by the board of supervisors, and levied and collected from all the towns and cities of the county in the assessment and collection of taxes for the current year, excepting those towns and cities in which appeal was sustained. Whenever more than one town or city in a county have appealed, some of which are sustained and some dismissed, it is the duty of the state assessors to decide what portion of the costs and expenses shall be borne by the town or towns, city or cities, in which such appeals were dismissed.

Other provisions exist for the correction of the assessment of any town, city, or ward, where property legally liable to taxation has been omitted in the assessment-roll of (1) the next preceding year and (2) the current year, and (3) where by mistake it has been placed on the assessment-roll annexed to the warrant delivered to the collector, at a valuation less than that actually appearing upon the original assessment-roll signed by the assessors.

Any person owning a farm divided by the county line between two or more counties, and assessed in whole or in part in or for the same year or years in towns in said counties, may commence an equitable action in the supreme court against said counties, to determine in which of the counties the land was properly taxable for said year or years, to recover from the county or counties wherein said taxes have been wrongfully collected the amount thereof with interest, from the time of payment thereof, and for such other relief as to the court shall seem equitable and just. No claim shall be made upon the state by the county, or any town or city therein, for the repayment of any part of refunded taxes.

Where the premises of one person have been wrongfully assessed and taxed in and with the premises of another, the county court, upon application of the person aggrieved, ascertains the boundaries, the premises, and the rate of taxation, &c.; and the collector or receiver of taxes of the town in which the premises are situated, upon receiving a certified copy of the order, forthwith changes the tax and assessment books of said tax to conform to the apportionment made by said order.

A writ of *certiorari* may be allowed by the supreme court on the petition,

duly verified, of one or more united persons or corporations assessed, and claiming that they are, or will be, injured by the alleged illegal, erroneous, or unequal assessment. This writ is only allowed by a justice of the supreme court in the judicial district, or at a special term of the court in the judicial district in which the assessment complained of was made, and is made returnable at a special term in said district. A new assessment or correction of an assessment, made by order of the court, has the same force and effect as if it had been so made by the proper assessing officers within the time originally prescribed by law for making such assessment. Disobedience to a writ or order in any proceeding under the laws of 1880, chap. 269, may be punished by the court as for a contempt. All issues and appeals under this Act have preference over all other civil actions and proceedings in all courts.

There are some special provisions regarding taxation, &c., applicable to certain cities, towns, wards, and counties.

PUBLIC HEALTH.

Quarantine for the protection of the public health is established in and for the port of New York for all vessels, their crews, passengers, equipage, cargoes, and other property on board of the same, arriving thereat from other ports; and the quarantine establishment consists of (1) warehouses, wet docks, and wharves; (2) anchorage for vessels; (3) floating hospitals; (4) boarding station; (5) burying ground; (6) residence for officers and men. Vessels arriving are subject to quarantine as follows: First, All vessels from any place where disease subject to quarantine existed at the time of their departure, or which have arrived at any such place and proceeded thence to New York, or on board of which during the voyage any case of such disease has occurred, arriving between the first day of April and the first day of November, shall remain at quarantine for at least thirty days after their arrival, and at least twenty days after their cargoes have been discharged, and shall perform such and further quarantine as the quarantine commissioners may prescribe, unless the health officer, with the approval of the quarantine commissioners, shall sooner grant a permit for said vessel or cargo, or both, to proceed. Second, from any place (including islands) in Asia, Africa, or the Mediterranean, or from any of the West Indies, Bahama, Bermuda, or Western Islands, or from any place in America, in the ordinary passage from which they pass south of Cape Henlopen, and all vessels on board of which during the voyage, or while at the port of their departure, any person has been sick, arriving between the first day of April and the first day of November; and all vessels from a foreign port not embraced in the first subdivision shall, on their arrival at the quarantine ground, be subject to visitation by the health officer, but shall not be detained beyond the time requisite for the examination and observation, unless they have had on board during the voyage some case of quarantinable disease, in which case they shall be subject to such quarantine and regulations as the health officer and the quarantine commissioners may prescribe. Third, all vessels embraced in the foregoing provisions, which

are navigated by steam, are subject only to such length of quarantine and regulations as the health officer enjoins, unless they have had on board during the voyage some case of quarantinable disease, in which case they are subject to such quarantine as the health officer and the quarantine commissioners prescribe.

Persons with insufficient evidence of effective vaccination, and known to have been recently exposed to small-pox, are vaccinated as soon as practicable, and detained until the vaccinia has taken effect. No other well persons are detained in quarantine any longer than necessary to secure cleanliness. Such vaccination and disposal of persons vaccinated is made under regulations fixed by the quarantine commissioners and health officer. The only diseases against which quarantine applies are yellow fever, cholera, typhus or ship-fever, and small-pox, and any new disease not known, of a contagious, infectious, or pestilential nature, at the discretion of the quarantine commissioners and health officer.

For the purpose of sanitary measures, merchandise is arranged in three classes—(1) merchandise to be submitted to an obligatory quarantine and to purification—to wit, clothing, personal baggage, and dunnage, rags, paper rags, hides, skins, feathers, hair, and all other remains of animals, cotton, hemp, and woollens; (2) merchandise subject to an optional quarantine — to wit, sugar, silks, and linen and cattle; and (3) merchandise exempt from quarantine—to wit, all merchandise not enumerated in the other two classes. With existing quarantine disease on board, or if there have been any such disease on board within the ten days last preceding, merchandise of the second class is landed at the quarantine warehouse. Merchandise of the second class may be admitted to pratique immediately or transferred to the warehouses, according to circumstances, at the option of the health officer, with due regard to the sanitary conditions of the port. Merchandise of the third class is delivered free, and admitted without unnecessary delay. Admission to pratique is preceded by as many visits to the vessel as the health officer may judge necessary. A vessel has the right, before breaking bulk, of putting to sea in preference to being quarantined. On arrival of infected vessels, all well persons have their freedom as soon as possible, consistently with regulations; sick persons are immediately transferred to the floating hospital, or other hospitals appropriated for their reception, and the vessel is unladen, purified, and admitted to pratique as soon as possible. All merchandise is placed in the warehouses and there freely exposed to the air, and moved from time to time to ensure its perfect ventilation. In no case shall persons sick with different diseases be put in the same hospital.

The health officer for the port of New York is nominated by the governor, and appointed by him with the consent of the senate, and holds office for two years, and until his successor is duly qualified. He must be a doctor of medicine of good standing, and of at least ten years' experience in the practice of his profession, and also be practically familiar with the diseases subject to quarantine. The governor nominates, and, by and with the advice and consent of the senate, appoints three discreet persons, citizens of the state, who are residents of the metropolitan police district, as commissioners of quarantine, who hold office for three years, and until their successors are appointed and qualified. Their salary is $2500 each.

The commissioners of quarantine

are authorised and empowered to commute with the owner, consignee, or master of any ship or vessel for the charges and expenses which may be made or incurred in the care, treatment, maintenance, cleansing of baggage, or burial of any person under quarantine who shall arrive in the port of New York upon such ship or vessel, by receiving from such owner, consignee, or master such a sum for each person arriving in such ship or vessel as the said commissioners deem to be just and proper. The amount so paid is in lieu of all charges and expenses authorised by law to be collected, and all persons under quarantine for whom commutation money is so paid are taken care of and maintained at the expense of the funds provided for defraying the expenses of the quarantine so received by the commissioners.

There are regulations for the preservation of public health in other ports and places of the state, and regulations generally applicable throughout the state which remain in force, though perhaps they might be held to have been superseded by subsequent legislation.

It is the duty of the common council of every city in the state, except the cities of New York, Brooklyn, Yonkers, and Buffalo (which have special provisions), to appoint a board of health for such, to consist of six persons who are not members of said council, and who are appointed for three years, and so that two are appointed each year. At least one shall be a competent physician. The mayor of the city is a member *ex officio* of the board of health, and is its president. When duly organised, the board appoints a competent physician (not a member of the board), who is health officer for the city. And it is the duty of the trustees of every incorporated village in the state to appoint, once in each year, a board of health for such village, to consist of not less than three nor more than seven persons (who are not village trustees), to hold office for one year, or until their successors are appointed, from which board are elected a president and secretary; and the board thus constituted appoints a competent physician to be the health officer of such village, who shall not be a member of the board. The supervisor and justices of the peace and the town-clerk, or a majority of them, of each town in the state, together with a citizen of such town, of full age, to be elected by them, are the board of health for such town for each year, and they appoint some competent physician, not a member of the board, to be the health officer for such town. They have cognisance of the causes of injury or danger to the public health, and meet upon call of the supervisor. Also, whenever in the judgment of the state board of health, or (if the said board be not in session) of the president and secretary thereof, it is necessary, and the public good requires it, the supervisor of such town, upon reasonable notice being given to him from the state board of health, or its president and secretary, immediately convenes the town board of health to take such proceedings as the public health in that vicinity may require, and concerning which it has been so notified. When vacancies occur in any city, village, or town board of health, and there are less than the statutory number of members, it is the duty of the county judge of the county in which such town, village, or city is situated, or an adjoining county, upon being satisfied thereof, to appoint in writing one or more competent citizens to fill such vacancies and to perform the duties of said office. This written appointment is filed in the office of

the clerk of the county. The several boards of health, except as stated, meet in their respective cities, villages, and towns, and (1) fix and determine the period of quarantine to which vessels, vehicles, or persons arriving in such city, village, or town shall be subject, but can, after an examination, reduce the period of such quarantine if they deem it safe to do so. It is the duty of the several boards of health to (2) prescribe the duties and powers of the health officer, direct him from time to time in the performance thereof, and fix his compensation; (3) make orders and regulations in their discretion concerning the place and mode of quarantine; the examination and purification of vessels, boats, and other craft not under quarantine; the treatment of vessels, articles, or persons thereof; the regulation of intercourse with infected places; the apprehension, separation, and treatment of emigrants and other persons who have been exposed to any infectious or contagious disease; the suppression and removal of nuisances, and all other orders and regulations, as they think necessary and proper for the preservation of the public health; (4) regulate and prohibit or prevent all communication or intercourse with all houses, tenements, and places, and the persons occupying the same, in which there is any person who has been exposed to any infectious or contagious disease; (5) receive and examine into the nature of complaints made by any of the inhabitants concerning causes of danger or injury to the public health, within the limits of its jurisdiction, and to require such isolation and quarantining of persons, vessels, and sources of infection as are in its judgment necessary; also to release from such isolation or quarantine when it deems it safe to release, making a record of the facts in the case (quarantining and releasing), and of the reasons for the action taken. It is also the duty of the board to procure suitable places for the reception of persons and things infected with malignant, contagious, or infectious diseases, and in all cases where sick persons cannot otherwise be provided for, to procure for them medical and other attendance and necessaries; and to take cognisance of and report every case of small-pox or varioloid occurring within said board's jurisdiction; also to make all needful provisions for immediately obtaining the necessary means for thorough and safe vaccination of all persons within its jurisdiction who may need the same. It is also the duty of the board of health in each town, village, and city in the state to have the supervision of the registration of deaths, diseases, and the causes of death, and findings of coroner's juries, and to designate the persons who shall grant permits for the burial of the dead, and to prescribe sanitary regulations for such burials; and to supervise and make complete the registration of births, deaths, and marriages within the limits of its jurisdiction, and the cost of so completing the said registration is a charge upon such town, village, or city, and shall not exceed 50 cents for each completely verified and registered record of a birth, death, or marriage; but the town-clerks and the registering clerks provided by law in villages and cities may still keep all records of births, deaths, and marriages, as required by chap. 512, laws of 1880. (6) To publish from time to time all such orders and regulations of general obligation as they have made, in such manner as to secure early and full publicity thereto; and to make, without publication thereof, such orders and regulations in special or individual cases, not of general application, as

they see fit, concerning the suppression and removal of nuisances, and concerning all other matters in their judgment detrimental to the public health, and to serve copies thereof upon any occupants of any premises whereon any such nuisances or other matters aforesaid exist, or by posting the same in some conspicuous place on such premises. (7) To issue warrants to any constable of their respective cities, villages, or towns, to apprehend and remove such persons as cannot otherwise be subjected to the orders and regulations by them adopted; and whenever it is necessary to do so, to issue their warrants to the sheriff of their respective counties to bring to their aid the power of the county; all which warrants shall be forthwith executed by the officers to whom they are delivered, who possess the like powers, and are subject to the like duties in the execution thereof, as if the same had been duly issued out of any court of record in the state. (8) To employ all such persons as are necessary to enable them to carry into effect the orders or regulations they have adopted, published, and made, and the powers vested in them, and to fix their compensation. (9) To impose penalties and maintain actions to collect them, not exceeding $100 in any one case, or to restrain by injunction, or otherwise enforce their orders and regulations. All expenses incurred by the several boards of health in the execution and performance of their duties are a charge only on their respective cities, villages, and towns, and are audited, levied, collected, and paid in the same manner as other town charges.

The trustees of the several common school districts in the state, and the proper local boards of common school government in the several cities, can, under the provisions of chap. 438, laws of 1860, exclude from the benefits of the common schools therein any child or any person who has not been vaccinated, and until such child or person shall have been vaccinated.

Chap. 322, laws of 1880, directed the governor to appoint, by and with the advice and consent of the senate, three state commissioners of health, two of whom should be graduates of legally constituted medical colleges, and of not less than seven years' practice of their profession. These commissioners, together with the attorney-general, the superintendent of the state survey, and the health officer of the port of New York, who are *ex officio* members of the state board of health, and three other persons designated and appointed by the governor, one of whom shall be a commissioner of health of the board of health of the city of New York, and the others members or commissioners of health of regularly constituted and organised boards of health of cities of the state, constitute the board of health of the State of New York. The three commissioners so appointed take the oath of office prescribed by the constitution for state officers, and receive from the secretary of state certificates of their appointment. They hold office for three years. The state board of health meets at least once in every three months, and as much oftener as they deem necessary, their annual meeting being held within two weeks after the 1st of May. No member except the secretary receives any compensation, but the actual travelling and other expenses of the members and officers while engaged in their duties are allowed and paid out of the appropriation made for its support. One of their number is annually elected president, and they also elect from among their own members, or otherwise, a person of skill and experience in public health

duties and sanitary science to be the secretary and executive officer of the board, who has all the powers and privileges of a member of the board except in regard to voting upon matters relating to his own office and duties as secretary, and he holds office for three years, but may be removed for cause after a full hearing by the board, a majority of the members voting therefor. The board may adopt by-laws, and provide therein for the appointment of committees, in whom it shall delegate authority and power for the work committed to them, and it may adopt and use an official seal. Five members constitute a quorum. The secretary keeps a record of the acts and proceedings of the board, performs and superintends the work prescribed by law, and such other duties as the board may order, and receives an annual salary of $3000, and such necessary expenses are allowed him as the comptroller audits on the presentation of an itemised account having vouchers annexed, together with the certificate of the board.

The state board of health takes cognisance of the interests of health and life among the people of the state, makes inquiries in respect to the cause of disease, and especially of epidemics, and investigates the sources of mortality, and the effects of localities, employments, and other conditions upon the public health. It is its duty to obtain, collect, and preserve such information relating to deaths, diseases, and health as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the State of New York. And it is the duty of all health officers and boards of health in the state to communicate to this state board copies of all their reports and publications, also such sanitary information as may be useful. The state board of health has the general supervision of the state system of registration of births, marriages, and deaths, and also the registration of prevalent diseases. Its secretary is the superintendent of registration of vital statistics of the state. The state board issues transfer permits to be issued by local organised boards of health for the transportation of the dead bodies of persons which are to be carried for burial beyond the limits of the counties where the death occurs, and coupons must be attached to these permits, which are detached and preserved by every common carrier, or the person in charge of any vessel, railroad train, or vehicle to whom such dead bodies are delivered for transportation. The governor may require the state board of health to examine into nuisances or questions affecting the security of life and health in any locality, and the report, when approved by the governor, is filed in the office of the secretary of state, and the governor may act upon such report and enforce his orders. At any time, at the request of the state board, or whenever the governor directs an examination and report as stated, any board of health of any city may appoint and select any one of its officers as its representative during such examination of any nuisance, who shall have a seat at and be entitled to take part in all deliberations of the state board during such investigation, but without the right to vote. The state board may from time to time engage suitable persons to render sanitary service, and to make or supervise practical and scientific investigations and examinations requiring expert skill, and to prepare plans and report relative thereto. The members of the board, and such other officers and persons authorised by the board, may, without let or hindrance, enter, examine, and survey all grounds, erections, vehicles, structures, apart-

ments, buildings, and places. But no more than $5000 in any one year shall be expended for such special sanitary service.

It is the duty of the state board, on or before the first Monday of December in each year, to make a report in writing to the governor of the state upon the vital statistics and the sanitary condition and prospects of the state; and this report sets forth the action of the board and of its officers and agents, and the names thereof for the past year, and may contain other useful information and suggestions for legislative action, &c., also a detailed statement of moneys paid out, &c.; but its total expenditures shall not exceed $15,000 in any one year. This sum of $15,000 is appropriated from the general fund for the purpose mentioned.

Laws of 1881, chap. 298. It is the duty of all employers of females in any mercantile or manufacturing business or occupation to provide and maintain suitable seats for their use, and to permit them to use such seats to such an extent as may be reasonable for the preservation of their health.

There are numerous general regulations and statutes concerning the practice of physic and surgery, medical societies and their incorporation, medical universities and colleges, promoting medical science, regulating county medical schools, to incorporate homœopathic medical societies, the state homœopathic medical society, the medical society of the State of New York, the licensing of physicians and surgeons, &c.

There are general regulations and statutes concerning the practice of dentistry, &c., and some affecting apothecaries and druggists.

COMMON SCHOOLS.

According to article ix. of the state constitution (1846) the capital of (1) the common school fund, (2) the literature fund, and (3) the United States deposit fund, were to be respectively preserved inviolate. The revenues of the first were to be applied to the support of common schools, the revenues of the second to the support of academies, and the sum of $25,000 of the revenues of the third was each year to be appropriated to and made part of the capital of the first. This common school fund consists of the proceeds of all lands which belonged to the state on 1st January 1823 (except such parts thereof reserved or appropriated to public use or ceded to the United States), together with what was denominated the common school fund. The capital of this fund has been increased by payments (authorised by Acts of the legislature) out of the income of the United States deposit fund. In 1837 the state agreed, by Act of its legislature, to receive in deposits for safe-keeping its share of the surplus money of the Treasury of the United States, under the 13th section of the Act of Congress, entitled "An Act to regulate the deposits of the public money," passed June 23, 1836, upon the terms, conditions, and provisions in said Act contained; and the faith of the state was inviolably pledged for the safe-keeping and repayment of all sums of money thus received from time to time, whenever the same should be required by the secretary of the Treasury of the United States, under the provisions of said Act. The state legislature, by chap. 150, laws of 1837, directed that this share of the United States surplus money should

be apportioned among the several counties of the state according to the population thereof, as ascertained by the last state census, for the purpose of being loaned therein in the manner directed by "the commissioners for loaning certain moneys of the United States of the county," who were "two reputable inhabitants resident in each of the counties" nominated by the governor, and with the consent of the senate appointed commissioners for loaning the moneys mentioned "in the several counties for which they should be appointed, and who should hold their offices for the term of two years." No such commissioner is eligible to the office of supervisor of any town or ward; nor is such supervisor eligible to the office of such commissioner. It is unnecessary to describe how such deposit moneys were or are to be invested. By chap. 237, laws of 1838, the sum of $110,000, of the income arising from the investment of these United States deposit moneys, should be annually distributed to the support of common schools in like manner and upon the like conditions as the school moneys, except that, to entitle the several school districts to their share of the common school fund, including the fund authorised by this Act to be distributed, it should be necessary for each school district to maintain a school, to be taught by a qualified teacher, for four months instead of three months, as then required by law. By sec. 3—In each and every year thereafter in which the corporation of the city of New York should raise, collect, and pay over to the support of common schools in the city, the whole additional amount of tax which they were then authorised to impose and collect for such purposes by the two several Acts, entitled, "An Act for the further support and encouragement of common schools in the city of New York," passed April 25, 1829, and April 18, 1831, then it should not be required of the corporation of the said city and county to raise by tax any additional sum of school money equal to the amount then apportioned to the said city and county under this Act. By sec. 4 — The sum of $55,000 should at the same time be annually distributed to the support of common schools in like manner and upon the like conditions as the school moneys were distributed, except that the trustees of the several districts should appropriate the sum received to the purchase of a district library for the term of three years, and after that time for a library or for the payment of teachers' wages, in the discretion of the inhabitants of the district; and sec. 5 provided that the said moneys to be paid to the city and county of New York should be distributed by the commissioners of school money, in the same proportion as the other school moneys, among the several societies and schools entitled thereto, to be by them applied either to the support of school libraries or the payment of teachers. It was also provided that $6000 should, for the period of five years and until otherwise directed by law, be annually paid to Geneva College, to be applied exclusively to payment of its professors and teachers; and the like sum, for the like time and for the same purposes, annually to the University of the city of New York; and the sum of $3000, for the like time and for the same purposes, annually to Hamilton College. Sec. 8 provided that the sum of $28,000 should be annually paid over to the literature fund; and sec. 10 that the residue of the income aforesaid not otherwise appropriated should be annually added to the capital of the common school fund; and the comptroller was authorised and empow-

ered to invest such surplus moneys in like manner as the moneys of the common school fund.

Laws of 1847, chap. 258, provided that the treasurer should keep a separate book account for all moneys that might belong to the United States deposit fund, and a like separate account for moneys of the literature fund; and the interest received on said accounts should be carried at the close of each fiscal year to the credit of the income of each respectively.

There are numerous Acts of the state legislature bearing upon the subject of public instruction, which embraces the University of the State of New York, colleges, academies, seminaries, colleges for the benefit of agriculture and the mechanical arts, the College of Physicians and Surgeons in the city of New York, medical colleges, Columbia College, Union College, Cornell University, normal schools, incorporated schools, common schools, union free schools, schools for the instruction of indigent deaf and dumb, and of children in orphan asylums, of Indians, of idle and truant children, of a nautical school in New York harbour, &c., &c.

Chap. 555, laws of 1864, "An Act to revise and consolidate the general Acts relating to public instruction," is now the foundation of the system as regards common schools, &c., but there are also subsequent Acts.

The state superintendent of public instruction is elected by joint ballot of the senate and assembly on the first Tuesday in April, and his term of office is for three years. He appoints a deputy who, in case of a vacancy, may perform all the duties of the superintendent until the day after the said day fixed for an election. When the deputy's office is also vacant, the governor appoints some person to fill the office until the superintendent is elected and assumes it. The superintendent has a seal. The school commissioner for each school commissioner district is elected by the electors thereof by separate ballot at the general election, and his term of office is for three years. There is raised by tax in each year, upon the real and personal estate of each county, one mill and one-fourth of a mill upon each and every dollar of the equalised valuation of such estate for the support of common schools in the state, and the moneys so raised are paid into the state treasury, and the treasurer may transfer them from one depository to another by his draft, countersigned and entered by the superintendent of public instruction. The comptroller may withhold the payment of any moneys to which any county may be entitled from the appropriation of the incomes of the school fund and the United States deposit fund for the support of common schools, until satisfactory evidence is furnished to him that all moneys required by law to be raised by taxation upon such county for the support of schools throughout the state have been collected and paid or accounted for to the state treasurer. Whenever, in consequence of the failure of any county to pay such moneys, there is a deficiency of money in the treasury applicable to the payment of school moneys to which any other county is entitled, the treasurer and superintendent may make a temporary loan of the amount so deficient; and such loan and the interest thereon, at the rate of 12 per cent per annum, until payment is made to the treasury, is a charge upon the county in default, and is added to the amount of state tax and levied upon such county by the board of supervisors thereof at the next ensuing assessment, and is

paid into the treasury in the same manner as other taxes. The moneys raised by the state tax, or borrowed as aforesaid to supply a deficiency thereof, and such portion of the income of the United States deposit fund as is appropriated, and the income of the common school fund, when the same are appropriated to the support of common schools, constitute the state school moneys, and are divided and apportioned by the superintendent of public instruction, on or before the 20th day of January in each year, as follows; and all moneys so appropriated, except the literary moneys, are applied exclusively to the payment of teachers' wages.

The superintendent pays (1) from the free school fund the annual salaries of the school commissioners; (2) to each of the cities, and to each of the incorporated villages having a population of 5000 and upwards, which under a special Act employs a superintendent of common schools, or a clerk of the board of education who does the duty of supervision, and if insufficient the deficiency is paid from the free school fund, the sum of $800; and in case any city is entitled to more than one member of assembly, according to the unit of representation adopted by the legislature, $500 for each additional member of assembly, to be expended according to law for the support of the common schools of the city. There is then (3) paid from the income of the United States deposit fund for, and as library moneys, such sum as the legislature appropriates for that purpose; (4) from the free school fund a sum not exceeding $4000 for a contingent fund. The superintendent then (5) sets apart and apportions for and on account of the Indian schools under his supervision a sum equitably equivalent to their proportion of the state school money, upon the basis of distribution established by this Act, to be wholly payable out of the proceeds of the state tax for the support of common schools. After deducting these amounts he (6) divides the remainder of the state school moneys into two parts, one to be one-third and the other to be two-thirds of such remainder, and apportions them as follows, viz.: (1) The one-third equally among the school districts and cities from which reports have been received in accordance with law, as follows: to entitle a district to a distributive portion or district quota, a qualified teacher, or successive qualified teachers, must have actually taught the common school of the district for at least the term of time hereinafter specified during the last preceding school year. For every additional qualified teacher, and his successors, who have actually taught in said school during the whole of said term, the district is entitled to another distributive portion or quota; but pupils employed as monitors or otherwise are not deemed teachers. The aforementioned term is twenty-eight weeks of five school days each, inclusive of New-Year's day, Washington's birthday, the fourth day of July, Christmas day, and any other day which is by law declared a holiday, which occurs during the term. A deficiency, not exceeding three weeks during the year, caused by a teacher's attendance upon a teacher's institute within the county, is excused. (2) The superintendent apportions the two-thirds, and also the library moneys, separately among the counties of the state, according to their respective population, excluding Indians residing on their reservations, as the same appears from the last preceding state or United States census; but as to

counties in which are situated cities having special school Acts, he apportions to each city the part to which it so appears entitled, and to the residue of the county the part to which it appears to be so entitled. If the census, according to which the apportionment is made, does not show the sum of the population of any county or city, the superintendent, by the best evidence he can procure, ascertains and determines the population of such county or city at the time the census was taken, and makes his apportionment accordingly. The superintendent apportions to each separate neighbourhood which has duly reported such fixed sum as will in his opinion be equitably equivalent to its portion of all the state school moneys upon the basis of distribution established; such sum to be payable out of the contingent fund mentioned. The superintendent may excuse neglect, and make supplemental apportionments. Moneys apportioned in excess may be reclaimed, and deficiencies may be supplied. As soon as possible, after the making of any annual or general apportionment, the superintendent certifies it to the county clerk, county treasurer, school commissioners, and city treasurer or chamberlain in every county in the state; and, if it is a supplemental apportionment, then to the county clerk, county treasurer, and school commissioners of the county in which the neighbourhood or the school-house of the district concerned is situate. The moneys are payable annually on the first day of April next after the apportionment.

The school commissioner or commissioners of each county proceed, at the county seat, on the third Tuesday in March in each year, to ascertain, apportion, and divide the state and other school moneys, as follows:—

1. Any library moneys apportioned by the superintendent are set apart.

2. From the other moneys apportioned to the county is credited to each separate neighbourhood and school district the amount apportioned to it by the state superintendent, and to every district which did not participate in the apportionment of the previous year, and which the superintendent has excused, such equitable sum as he has allowed to it.

3. Unexpended moneys in the hands of the supervisors applicable to the payment of teachers' wages and to library purposes are added to the balance of state moneys to be apportioned for teachers' wages; and the amount in each supervisor's hands is charged as a partial payment of the sums apportioned to the town for library moneys and teachers' wages respectively.

4. Moneys in the hands of the county treasurer on account of fines or penalties, or accruing from any other source, for the benefit of schools and of the several towns or districts, are credited to such town or district; and those belonging to the schools in a particular town are credited to the schools in such town, and apportioned, together with such as belong to the schools of the county, accordingly, for the payment of teachers' wages.

5. Library moneys apportioned to school districts and parts of school districts joined with parts in any city or in an adjoining county which are entitled to participate therein, are apportioned in proportion to the number of children in each between the ages of five and twenty-one years, as the same appears from the report of the trustees for the last preceding school year.

6. They apportion one-half of the remaining unapportioned moneys in the like manner, and upon the same

basis, among such school districts and parts of school districts; and the other half they apportion among such districts and parts of districts as are entitled to share in the apportionment, in proportion to the average daily attendance of pupils of lawful school age resident therein, assuming in every case that the term has consisted of the term prescribed by law—namely, 140 days, and no more.

7. They then set apart to each town the moneys so set apart and apportioned to each separate neighbourhood, to each district the schoolhouse of which is therein, and to each part of a joint district therein, the schoolhouse of which is located in a city or in a town in an adjoining county.

8. A duplicate certificate made out in detail is signed by the school commissioners, one of which is delivered to the treasurer of the county, and the other transmitted to the superintendent of public instruction.

9. They certify to the supervisor of each town the amount of school moneys so apportioned to his town, and the portions thereof to be paid by him for library purposes and for teachers' wages, to each such distinct separate neighbourhood, district, and part of a district.

It is the duty of every supervisor—

1. To pay the wages of teachers upon, and only upon, the written orders of a sole trustee, or a majority of the trustees, or upon the order of the trustee of a separate neighbourhood, in favour of any teacher of a school in an adjoining state recognised by him and patronised by the inhabitants of such neighbourhood. Such teacher is deemed a qualified teacher.

2. To disburse library money upon, and only upon, the written orders of a sole trustee, or of a majority of the trustees.

3. In the case of a union free school district, to pay over all the school money apportioned thereto (for teachers and library) to the treasurer of such district upon the order of its board of education.

4. To keep proper accounts of school moneys, and lay the same, with proper vouchers, before the board of town auditors at each annual meeting thereof.

5. Within fifteen days after the determination of his office, to make out a just and true account of all school moneys theretofore received by him, and of all disbursements thereof, and to deliver the same to the town-clerk to be filed and recorded, and to notify his successor in office of such rendition and filing.

It is the duty of the town-clerk of each town to preserve records and report to the supervisor any loss of or injury to them; to record the certificates of apportionment he receives from the supervisor; to notify the trustees of the several school districts and separate neighbourhoods of the filing of each such certificate; to obtain annual reports from the school trustees, and deliver them to the school commissioner on demand; to receive from the supervisor and record the annual account, &c., submitted to the town auditors, and to send by mail a copy of the account, and of the action thereon, to the superintendent of public instruction, whenever required by him, and to file and preserve the vouchers accompanying the account; to receive and record in the same book the supervisor's final account of the school moneys, and deliver a copy thereof to such supervisor's successor in office; to perform any other duty devolved upon him by law touching common schools.

It is the duty of each school commissioner, in respect to the territory within his district—

1. To divide it, so far as practi-

cable, into a convenient number of school districts, and alter the same, with the written consent of the trustees of all the districts to be affected; or if the trustees of any such district refuse to consent, the alteration is effected in a prescribed manner by him, the supervisor and town-clerk of the town or towns within which such district or districts wholly or partly lie being, if it be so requested by the trustees of any district to be affected, associated with the commissioner.

2. In conjunction with the commissioner or commissioners of an adjoining school commissioner district or districts, to set off joint districts composed of adjoining parts of their respective districts.

3. To set off by itself any neighbourhood adjoining any other state of the Union where it is found most convenient for the inhabitants to send their children to a school in such adjoining state.

4. To describe and number the school districts and joint-districts, and to deliver in writing to the town-clerk the description and number of each district lying in whole or in part in his town, together with all notices, consents, and proceedings relating to the formation or alteration thereof immediately after such formation or alteration. Every joint-district bears the same number in every school commissioner district of whose territory it is in part composed.

5. To deliver to the town-clerk of the town in which it lies, in whole or in part, a description of each such separate neighbourhood.

Every person of full age residing in any neighbourhood or school district, and entitled to hold lands in the state, who owns or hires real property in such neighbourhood or school district, liable to taxation for school purposes, and every resident of such neighbourhood or district who is a citizen of the United States above the age of twenty-one years, and who has permanently residing with him or her a child or children of school age, some one or more of whom shall have attended the school district for a period of at least eight weeks within one year preceding, and every such resident and citizen as aforesaid who owns any personal property assessed on the last preceding assessment-roll of the town exceeding $50 in value, exclusive of such as is exempt from execution and no other, is entitled to vote at any school meeting held in such neighbourhood or district. The inhabitants of any neighbourhood entitled to vote have power, by a majority of the votes of those present at any annual meeting, or any other neighbourhood meeting duly called by the commissioner—

1. To appoint a chairman for the time being.

2. To choose a neighbourhood clerk and one trustee, and to fill vacancies in office.

The inhabitants of a district entitled to vote, when duly assembled in any district meeting, have power, by a majority of the votes of those present—

1. To appoint a chairman for the time being.

2. If the district clerk be absent, to appoint a clerk for the time.

3. To adjourn from time to time.

4. To choose one or three trustees, as the case may be, a district clerk, a district collector, a librarian, when such offices are or become vacated, except as specially provided by law.

5. To fix the amount the collector shall give bond for.

6. To designate schoolhouse sites.

7. To vote a tax upon the taxable property of the district to purchase, lease, or improve such sites, and to hire, build, or purchase schoolhouses, and to keep in repair and furnish the

same with necessary fuel and appendages.

8. To vote a tax not exceeding $25 in any one year for apparatus and text-books.

9. To vote a tax not exceeding $50 in any one year for books for a district library, and necessary money, in addition, for a bookcase.

10. To vote a tax to supply a deficiency because of former tax being uncollectable in whole or in part.

11. To authorise the trustees to insure house, furniture, &c., in any insurance company created by or under the laws of the state.

12. To alter, repeal, and modify their proceedings from time to time as occasion may require.

13. To vote a tax to buy a book in which to record their proceedings.

14. To vote a tax to replace moneys of the district lost or embezzled by district officers, and to pay expenses of litigation, prosecuting or defending.

15. To vote a tax, not exceeding $25 in each year, for anticipated deficiencies or contingencies, or to pay the wages of teachers in anticipation of the ordinary collections for that purpose, to be replaced by such collections when made.

16. To vote a tax to pay whatever deficiency there may be in the teachers' wages after exhaustion of the public money; but if the inhabitants refuse to vote such a tax, or vote an insufficient tax, the trustees can, and it is their duty to raise by district tax any reasonable sum that may be necessary to pay the balance of teachers' wages remaining unpaid, the same as if such tax had been authorised by a vote of the inhabitants.

17. To vote a tax to pay and satisfy of record any judgments of a competent court; but if the inhabitants neglect or refuse to vote a tax for this purpose, or vote an insufficient tax, the trustees are authorised, and it is their duty, to raise by district tax the necessary amount to pay any such judgments; and the trustees shall, after the expiration of thirty days from notice of any judgment having been entered against the district, or the trustees thereof, for unpaid teachers' wages, call a meeting of the inhabitants to vote a tax to pay the same; and in case the inhabitants refuse or neglect to do so, it is the duty of the trustees, unless such judgments are appealed from, to raise by district tax the necessary amount.

No school commissioner or supervisor is eligible to the office of trustee, nor can either be a member of any board of education within his district or town; and no trustee can hold the office of district clerk, collector, or librarian. Every district and neighbourhood officer must be a resident of his district and neighbourhood, and qualified to vote at its meetings. From one annual meeting to another is a year. The trustee of a neighbourhood, and the sole trustee of a district, hold office for one year. The full term of joint-trustee is three years, but he may be elected for one or two years as specially provided. The term of office of all other neighbourhood and district officers is one year. Every district and neighbourhood officer, unless removed, holds office during his term of office, and until his successor is elected or appointed. Any vacancy arising in the office of trustee is, if not supplied by a district or neighbourhood meeting within one month, filled by the supervisor appointing a competent person. Every person duly qualified, who is chosen or appointed to a school district office and refuses to serve therein, is fined $5; and every such person who does not refuse to accept, but wilfully neglects or refuses to perform any duty thereof, vacates his office and forfeits $10. The penalties

go to the common schools of the town. But the supervisor may accept a written resignation, and the filing of this resignation and acceptance thereof in the office of the district clerk bars recovery of either of said penalties; or the resignation may be made to and accepted by a district meeting.

In all school districts in which the number of children of school age exceeds 300, as shown by the last annual report of the trustees to the school commissioner, all district officers, except the treasurer and collector of union free school districts, are elected by ballot on the Wednesday next following the second Tuesday in October in each year. The trustees or board of education, or as many of them as may be present, act as inspectors of election, &c.; and if the district has but one trustee, the district clerk is associated with him as inspector. All disputes concerning the validity of any such election, &c., are referred to the superintendent of public instruction, whose decision is final. He may in his discretion order a new election in any district. In case two persons have an equal number of votes for the same office, the inspectors of election immediately choose one of them; and if the inspectors cannot agree, the clerk decides the matter. These provisions do not apply to cities, nor to union free school districts whose boundaries correspond with those of an incorporated village, nor to school districts incorporated under special Acts which provide for such elections, nor to school districts in certain counties, nor to union free school districts in certain towns.

Common schools in the several school districts are free to all persons over five and under twenty-one years of age residing in the district; but non-residents, if otherwise competent, may be admitted into a school with the written consent of the trustees, or of a majority of them, upon such terms as the trustees prescribe, provided that if such non-resident pupils, their parents or guardians, shall be liable to be taxed for the support of said schools in the district, on account of owning property therein, the amount of any such tax so paid is deducted from the charge for tuition. If a school district includes a portion of an Indian reservation, whereon there is a school for Indian children, the school of the district is not free to Indian children resident in the district or on the reservation, nor are they admitted without the permission of the superintendent. Qualified teachers are those holding an uncancelled diploma from the state normal school, or certificate of qualification from the superintendent of public instruction, or such a certificate from the school commissioners within whose district he is employed. No school moneys can be paid to an unqualified teacher; nor can his wages, or any part of them, be collected by a district tax.

The trustee or trustees of a district hold property for the use of schools in the district as a corporation. Between the first and second Tuesdays of October of each year, the trustees of each school district make and direct to the school commissioner a report in writing, dated on the first of said month in each year, certifying, among other things, the whole number of days, including holidays, in which the school was taught by qualified teachers, moneys received and expended, number of children taught and the sum of the days of their attendance, number of resident children in the district of school age, their parents' names, &c., &c.

School district taxes are apportioned by the trustees upon all real estate within the boundaries of the district which is not by law exempt from taxation; but land lying in one

body and occupied by the same person either as owner or agent for the same principal, or as tenant under the same landlord, though situated partly in two or more school districts, is taxable in that one of them in which the occupant resides. Lands owned by non-residents of the district, and not occupied by an agent, servant, or tenant residing in the district, are assessed as non-resident. The trustees also apportion district taxes upon all persons residing in the district, and upon all corporations liable to taxation therein for the personal estate owned by them and liable to taxation. They also apportion the same upon non-resident stockholders in banks or banking associations situated in their districts for the amount of stock owned by them therein, and upon individual bankers doing business in their district. The last assessment-roll of the town fixes the valuations of taxable property. When a district embraces parts of more than one town, the supervisors of such towns, upon receiving written notice from the trustees of such district, or from three or more persons liable to pay taxes upon real estate therein, meet as specially prescribed, and determine the relative proportion of taxes that ought to be assessed upon the real property of the parts of such district lying in different towns, and the trustees thereupon assess accordingly. Should the supervisors be unable to agree, they summon a supervisor from some adjoining town, who unites in such inquiry; and the finding of the majority is the determination of the meeting. Any person working land on shares is deemed the possessor so far as to be liable to taxation therefor. The owner of property occupied by an agent is liable; so a tenant at will, or for three years, or for a less period of time, but he can charge the owner therefor. Every taxable inhabitant who has been within four years set off from any other district without his consent, and has within that period actually paid in such other district, under a lawful assessment therein, a district tax for building a schoolhouse, is exempted by the trustees of the district where he resides from the payment of any tax for building a schoolhouse therein. Taxes on non-resident lands, or non-resident stockholders in banking associations organised under the laws of Congress, and which remain unpaid, are, after certain prescribed proceedings, paid by the county treasurer, and by the supervisors the amount so paid, &c., is levied upon the property.

Whenever fifteen persons, entitled to vote at any meeting of the inhabitants of any school district, from each of two or more adjoining districts, unite in a call for a meeting of the inhabitants of such districts to determine whether such districts shall be consolidated by the establishment of a union free school therefor and therein, it is the duty of the trustees of such districts, or a majority of them, to give like public notice of such meeting, at some convenient place within such districts, and as central as may be, within the time, and to be published and served in the manner, prescribed in each of such districts. The reasonable expenses of preparing, publishing, and serving such notices are chargeable upon the union free school district, and collected by tax, if a union free school is established pursuant to such call; but otherwise the signers of the call are jointly and severally liable for such expenses. The superintendent of public instruction may order such meeting if the trustees refuse to give the notice, or neglect to give it for twenty days. At the said meeting, duly organised, or at an adjournment

thereof, whenever it has been duly determined by the vote of those present thereat, not less than fifteen persons, to establish a union free school in said district, it is lawful for the meeting to proceed to the election by ballot of not less than three nor more than nine trustees, who shall, by the order of such meeting, be divided into three several classes, to hold respectively one, two, and three years; and when these trustees enter upon their office, the office of existing trustees cease. By the laws of 1880, chap. 9, no person is deemed ineligible to serve as any school officer, or to vote at any school meeting, by reason of sex, who has the other qualifications required by law. Women have been elected and have served as trustees. The trustees and their successors in office constitute the board of education of and for the union free school district for which they are elected, which is designated as union free school district, No. , of the town of , by the school commissioner having jurisdiction of the district; and the said board has the name and style of the board of education of (adding the designation aforesaid). Copies of said call and minutes of meetings, duly certified by the chairman and secretary thereof, are transmitted and deposited, one to and with the town-clerk, one to and with the school commissioners of the district, and one to and with the superintendent of public instruction. Whenever said board of education is constituted for any district or districts whose limits correspond with those of any incorporated village or city, the trustees so elected shall be, by the order of such meeting, divided into three classes, to serve respectively until one, two, and three years after the day of the next charter election in such village or city. And thereafter there shall be annually elected in such villages and cities, by separate ballot, indorsed "school trustees," in the same manner as the charter officers thereof, trustees of the said union free schools to supply the place of those whose terms by the classification aforesaid are about to expire.

These boards of education are bodies corporate. They may, with the advice and consent of a majority of the legal voters entitled to vote on questions of taxation, to be had at an annual meeting of the inhabitants, appoint a clerk to the board, a resident of the district and not a trustee or a teacher in the employ of the board, and he is the general librarian of the district, and shall perform the clerical and other duties of his office. In districts whose limits do not correspond with those of any city or incorporated village, the board has power to appoint one of the taxable inhabitants of their district treasurer, and another collector, who shall each, before entering office, execute and deliver, within ten days after written notice of appointment, to the said board of education a bond with sufficient penalty and sureties. The corporate authorities of any incorporate village or city in which any such union free school is established have power, and it is their duty, to raise from time to time by tax the sums which the board of education declare necessary for the furtherance of any of the powers vested in them by law: and the said corporate authorities have no power to withhold the sums declared to be necessary for teachers' wages and the ordinary contingent expenses of supporting the school or schools of said district. The annual meeting of the board of education of every union free school is held on the third Tuesday of October in each year. A majority of the voters of any union free school district, other than those whose limits correspond

with an incorporated city or village, present at any annual or special district meeting duly convened, may authorise such acts and vote such taxes as they deem expedient for the purposes of said union free school, to be levied in one sum or by instalments, and the board of education shall make out their tax-list, and attach their warrant thereto, in the manner provided for the collection of school district taxes. No vote to raise money is rescinded, nor the amount thereof reduced at any subsequent meeting, unless it be done within ten days after it has been first voted.

The board of education of every union free school district has generally the same powers and privileges, and is subject to the same duties, as the trustees of common schools. Whenever a union free school is established, and there exists within its district an academy, the board of education, if thereto authorised by a vote of the voters of the district, may adopt such academy as the academical department of the district, with the consent of the trustees of the academy; and thereupon the trustees, by a resolution attested by the signatures of the officers of the board, and filed in the office of the clerk of the county, shall declare their offices vacant, and thereafter the said academy shall be the academical department of such union free school. Every union free school district, in all its departments, is subject to the visitation of the superintendent of public instruction, who is charged with the general supervision of its board of education, &c. Every board of education, annually between the 1st and 15th of October, reports to the commissioner having jurisdiction, and deposits the report in the town-clerk's office, similarly to the report of the trustees of a school district, and also reports to the superintendent of public instruction when and as he may require. For cause shown, and after giving notice of the charge and opportunity of defence, the superintendent may remove any member of a board of education. Wilful disobedience of any of the superintendent's lawful requirements, or a want of diligence in obeying, is cause for removal.

The sum of $125,000 ordered by chap. 541, laws of 1872, to be levied for each and every year for the benefit of academies and academical departments of union schools, was, by chap. 642, laws of 1873, to be annually distributed by the regents of the university for the purposes and in the manner following—viz., (1) $3000, or so much thereof as required, in addition to the annual appropriation of $3000 from the literature fund, for the purchase of books and apparatus; (2) $12,000, or so much thereof as required, in addition to the annual appropriation of $18,000 from the United States deposit fund, for the instruction of common school teachers; the whole sum to be apportioned and paid to the several institutions which may give such instructions as provided by law, at the rate of $15 for each scholar instructed in a course prescribed by the regents during a term of 13 weeks, and at the same rate for not less than 10 weeks or more than 20 weeks. Any scholar from any common school bearing the certificate of the principal teacher, or of any trustee of such school, that he is qualified to pass the examination, is admitted to the academic examination established by the regents in the academies and academical departments of union schools, any common school, or free school. Free instruction in the classics, or the higher branches of English education, or both, are given in every academy and academical department of a union school subject to the visitation of the

regents, to all scholars in any academy, free school, or common school, who have received the certificate of academic scholarship issued by the regents, to the extent of $12; and if the conditions of the fund will admit, not less than $20 tuition, at the usual rates of tuition; and in case the tuition is free to resident pupils, at the rates charged to non-resident pupils, or at reasonable rates; but such free instruction must be obtained by the scholars within two years after being examined. The regents can apply, annually, $2500 in book or other premiums, for excellence in scholarship and conduct, but not over $10 for one premium, to be paid out of the $125,000. The balance of this $125,000 is distributed as the literature fund is by law directed to be distributed; but no money shall be paid to any school under the control of any religious or denominational sect or society.

It is the duty of the board of education, in any free school district, upon the application of fifteen resident taxpayers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made, in the manner prescribed, for the dissolution of such union free school district, and for its reorganisation as a common school district or districts. The question is determined at such meeting by a majority vote of the legal voters present, and voting, by ayes and noes, not to dissolve such union free school district. No other meeting for a similar purpose shall be held within three years thereafter. When two-thirds vote to dissolve, it is the duty of the board of education to present to the clerk of the board of supervisors a certified copy of the call, notice, and proceedings, and he lays the same before the board of supervisors at their next meeting. If the board of supervisors approve of the proceedings, the clerk certifies the same to the board of education. This approval does not take effect until the 30th day of September next succeeding; but after that date such district ceases to be a union free school district. If any union free school district thus dissolved was established by the consolidation of two or more districts, the board of supervisors can direct that its territory be divided in two or more districts, as near as practicable like the former districts; and an academy, adopted as the academic department as described, is, upon the application of a majority of the surviving resident former trustees or stockholders, transferred by the board of education to said former trustees or stockholders. The board of supervisors may approve, conditionally upon the payment by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other districts into which the said union free school district is divided, of such sums of money as they may deem equitable, &c. If not approved by the supervisors, no further proceedings can be had within the said three years. When the proceedings have been approved by the board of supervisors, and the clerk has certified, it is the duty of the board of education of the district affected forthwith to notify the superintendent of public instruction, and to furnish him copies of the whole proceedings.

The school authorities in any city or incorporated village, the schools of which are organised under said Act of 1864, may, when they deem it expedient, establish separate schools for the instruction of children and youth of African descent resident therein and of the school age; and these schools are supported in the same manner and to the same extent as those for white children, and they

are subject to the same rules and regulations, and are furnished with facilities for instruction equal to those furnished to the white schools therein. The trustees of any union school district may, when the inhabitants determine by resolution, at any annual meeting or at a special meeting called for that purpose, establish separate schools for the instruction of the resident coloured children. The teacher must be legally qualified.

It is the duty of every school commissioner, at least once in each year, to organise in his own district, or with other commissioners in the same county in and for the combined districts, a teachers' institute, and to induce, if possible, all the teachers in his district to be present and take part in its exercises. The superintendent of public instruction advises and co-operates with the school commissioners, and has power to employ, or cause the school commissioners to employ, suitable persons at a reasonable compensation to conduct and teach the institutes; and he sees that these institutes are properly conducted, &c., to subserve their purpose. The closing of his school by a teacher, for the time during which the institute is held in his district, does not work a forfeiture of the contract under which he is teaching, if he attended at the institute during such closure; and he can make up for such closed period by teaching during an equivalent extra period. The trustees of school districts give teachers the time so spent at institutes without deducting anything from wages; and whether or not there is an equivalent of extra teaching, the superintendent includes the district in his apportionment of the state school-moneys.

Any person feeling himself aggrieved in consequence of any decision made—

1. By any school district;

2. By any school commissioners and other officers in forming or altering, or refusing to form or alter, any school district, or in refusing to apportion any school moneys to any such district or part of a district;

3. By a supervisor in refusing to pay any such moneys to any such district;

4. By the trustees of any district in paying or refusing to pay any teacher, or in refusing to admit any scholar gratuitously into any school;

5. By any trustees of any school district library, concerning such library or the books therein, or the use of such books;

6. By any district meeting in relation to the library;

7. By any other official act or decision pertaining to common schools;

—may appeal to the superintendent of public instruction, whose decision is final and conclusive, and not subject to question or review in any place or court whatever. The superintendent properly files in his office, in the order of time, all the proceedings on every appeal to him; and copies thereof, authenticated by him under his seal of office, are evidence equally with the originals.

It is the duty of the overseers of the poor (laws of 1832, chap. 223) in each town to furnish the superintendent of common schools with a list of the deaf and dumb persons in their respective towns, so far as they can ascertain them, with such particulars as such superintendent prescribes; and from this list the superintendent may select, as state pupils, such indigent deaf and dumb as are properly embraced within the provisions of law. The Institution of the Deaf and Dumb in the city of New York, and every other similar institution incorporated in the state, is subject to the visitation of the superintendent of public instruction, who makes an annual report to the legislature.

The schools of the several incorporated orphan asylum societies (laws of 1850, chap. 261), other than those in the city of New York, participate in the distribution of the school-moneys in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. These schools are subject to the rules and regulations of the common schools in such cities or districts, but remain under the immediate management and direction of the said societies.

The superintendent of public instruction (laws of 1856, chap. 71) provides the means of education for all the Indian children in the state, and has to ascertain the condition of the various bands in respect to education. He establishes schools in such places and of such character and description as he deems necessary, and employs superintendents for them; and, with the concurrence of the comptroller and secretary of state, causes to be erected, where necessary, convenient buildings for their accommodation. He endeavours to secure the co-operation of all the several bands of Indians; and for this purpose visits by himself or his authorised agent all the reservations where they reside, lays the matter before them in public assembly, inviting them to assist either by appropriating their public moneys to this object, or by setting apart lands and erecting suitable buildings, or by furnishing labour or materials for such buildings, or in any other way which he or they may suggest as most effectual for the promotion of this object. The Indian children between the ages of four and twenty-one years are entitled to draw public money the same as white children; and the superintendent causes an annual enumeration of them to be made, and sees that the public money to which they are ratably entitled is devoted exclusively to their education.

The trustees elected in any town having lands assigned to it for the support of the Gospel or of schools, or of both, are a corporation for the purposes of their office, by the name of "The trustees of the Gospel and school lot," in that town for which they are elected. They give bond to the supervisor of the town, with penalty and sureties approved by him, for the faithful performance of their duties, which, besides the ordinary powers of a corporation, include—

1. To take and hold possession of the Gospel and school lot of their town.

2. To lease the same for such time not exceeding twenty-one years, and upon such conditions, as they deem expedient.

3. To sell the same, with the advice and consent of the inhabitants of the town in town meeting assembled.

4. To invest the proceeds of such sales in loans, secured by bond and mortgage upon unincumbered real property of the value of double the amount loaned.

5. To purchase the property so loaned upon, upon a foreclosure.

6. To reloan loans repaid.

7. To apply the rents and profits of such lots, and the interest of the money arising from the sale thereof, to the support of the Gospel and schools, or either, as may be provided by law, as thus provided.

8. To render a just and true account of such sales, interest, rents, and profits, and of the expenditure and appropriation thereof, on the Tuesday next preceding the annual town meeting in each year, to the board of auditors of the accounts of other town officers.

9. To deliver over to their successors in office all books, papers, and securities relating to the same, at the expiration of their respective offices; and—

10. To take therefor a receipt, which is filed in the clerk's office of the town.

The board of auditors in each town annually reports the state of the accounts of the trustees of the Gospel and school lots to the inhabitants at their annual town meeting.

By laws of 1853, chap. 185, if any child between the ages of five and fourteen years, having sufficient bodily health and mental capacity to attend the public schools, is found wandering in the streets or lanes of any city or incorporated village, idle and truant, without any lawful occupation, any justice of the peace, any police magistrate or justice of the district courts in the city of New York, on complaint thereof by any citizen on oath, and if, on examination, the complaint is satisfactorily established, may require the parent, guardian, or master to enter into an engagement in writing, to the corporate authorities, that he will restrain such child from so wandering about, keep such child on his own premises or in some lawful occupation, and cause such child to be sent to some school at least four months in each year, until he or she becomes fourteen years old,—and in the justice's discretion security may be required. Should there be no parent, &c., or such parent, &c., refuse or neglect within a reasonable time to enter into such engagement and give such security, the justice, by warrant under his hand, commits such child to some suitable place which shall be provided by the corporate authorities of every city and incorporate village for the reception of every child which may be so committed, and for employment in some useful occupation, and for instruction in the elementary branches of an English education, and for proper support and clothing. Every child so received is kept in such place until discharged by the overseers of the poor or the commissioners of the almshouse, and may be bound out as an apprentice by them or either of them, with the consent of any justice of the peace, or any of the aldermen of the city, or any trustee of the incorporated village where he may be, in the same manner, for the same periods, and subject to the same provisions in all respects as children whose parents have become chargeable on any city or town. It is the duty of police officers and constables to make complaints to a justice of the peace, on finding any child in the condition above described.

All parents and those who have the care of children shall (laws of 1874, chap. 421) instruct them or cause them to be instructed in spelling, reading, writing, English grammar, geography, and arithmetic; and every parent, guardian, or other person having control and charge of any child between the ages of eight and fourteen years shall cause such child to attend some public or private day school at least fourteen weeks in each year, eight weeks at least of which attendance shall be consecutive, or to be instructed regularly at home, at least fourteen weeks in each year, in spelling, reading, writing, English grammar, geography, and arithmetic, unless the physical or mental condition of the child is such as to render such attendance or instruction inexpedient or impracticable. No child under the age of fourteen years shall be employed by any person to labour in any business whatever without his schooling being attended to as prescribed by law. Should the parent or guardian be unable to provide the child with the necessary text-books, these are provided by the trustees of the school district, and paid for by the treasurer of the city, or the supervisor of the town.

If the person having control cannot induce a child to attend school for the fourteen weeks, and so state in writing to the trustees, such child is thereafter deemed and dealt with as a habitual truant, and such person is relieved from the statutory penalties. Two weeks' attendance at a half-time or evening school is for all purposes counted as one week at a day school.

Under the laws of 1861, chap. 253, there was organised and established in the harbour of New York city a nautical school for the purpose of educating boys in the learning and duty of seamanship and the science of navigation. This school is under the exclusive management and direction of five trustees, who hold office for five years, three of them being designated and appointed by the Chamber of Commerce of the city of New York, and the other two by the governor. These trustees make by-laws for the transaction of business; and determine the number, station, term of office, and duties of the officers proper for the management of said school and their compensation, and the manner and time of their appointment, and appoint the same. The trustees have power to receive all funds or property of the nautical school, and receive such boys as are sent to said school by their parents or guardians. Such boys, when received, are subject to such regulations of conduct and discipline as, in the judgment of the trustees, are best adapted to their proper government. The trustees have control of the schoolship of the institution, and exercise in relation thereto, and its care, supervision, and management, all necessary powers and duties. They can send any boy in education at such school on such voyage as they deem advisable for his proficiency and welfare, and may declare such sending a discharge from such institution. The trustees also determine the age at which a boy may be taken into the school, with the consent of his parents or guardian, and under what circumstances, and at what rates, fees for board and education and tuition may be charged and taken, and to extend to persons qualifying for stations beyond ordinary seamen the advantages of such school. This nautical school is at all times open to the inspection and examination of the state superintendent of public instruction, to whom a full report of its affairs is made at such time in the year as he designates. (*Vide post*, p. 569.)

In each of the state normal schools the course of study embraces instruction in industrial or freehand drawing; and the board of education of each city shall cause free instruction to be given in industrial or freehand drawing in at least one department of the schools under their charge. Unless excused therefrom by the superintendent of public instruction, the board of education of each union school free school district, incorporated by special Act of the legislature, shall cause similar free instruction to be given in the schools under their charge. (Laws of 1875, chap. 322.)

THE BOARD OF EDUCATION IN THE CITY OF NEW YORK.

Grammar, Primary, and Evening Schools.

There is in the city of New York a Board of Education which, under that designation, has full control of the public schools and the public school system of the city, subject

only to the general Statutes of the state upon education. This board consists of 21 commissioners of common schools appointed by the mayor, and they hold office during three years, 7 being appointed each year. They shall hold no other office of emolument under the city, state, or national governments, except the offices of notary public and commissioner of deeds. The city is divided into eight school districts. On the first Wednesday in November in each year, the mayor appoints in each school district one inspector of common schools, who takes office on the 1st day of January next succeeding, and holds office for three years. The mayor fills vacancies in the offices of commissioner and inspector for the unexpired term. On the first Wednesday in December in each year, the Board of Education appoints one trustee for each ward, to hold office for five years from the 1st day of January then next. They must be residents of the ward for which they are severally appointed. Vacancies are filled by the Board of Education for the unexpired term. The members of the Board of Education meet on the second Wednesday of January in each year, and organise, electing one of their number president, and thereafter they meet for the transaction of business as often as they may determine.

The board has ample powers conferred upon it by statute, and can hold real and personal property for the purpose of public education in the city of New York. It can appoint a city superintendent of schools, and also a superintendent of school buildings, and regulate their respective duties, powers, salaries, and terms of office with certain restrictions. It can appoint principals and vice-principals for the grammar, primary, and evening schools under its control, upon the written nomination of a majority of the trustees of the ward. Should the persons nominated by the trustees for principal or vice-principal not be appointed by the Board of Education within twenty days after nomination, the Board of Education has the sole power, after that period, by a majority of the whole number in office at a general meeting or a special meeting called for that purpose, to select and appoint such principal or vice-principal. The Board of Education can organise an institution for females similar to the free academy, as the same existed in 1851. With the consent of the majority of the trustees of the ward, or without such consent, by a vote of two-thirds, the Board of Education can discontinue any grammar, primary, evening, or coloured school, and may authorise the establishment of a new school upon the application of a majority of the trustees for the ward. The board must decide finally, within thirty-five days after the application was presented to it; and if it should omit to do so or deny the application, the trustees may appeal to the state superintendent of public instruction, whose decision in the matter is binding upon all the parties, and, if adverse to the application, there shall be no renewal thereof during one year next thereafter.

The Board of Education possesses the powers and privileges of a corporation for its special purposes, and it is its duty—

1. To apportion all the school-moneys raised for current annual expenses to the schools entitled to participate therein.

2. To file with the city chamberlain, on or before the first Monday of April in each year, a copy of their apportionment, stating the amount apportioned to the schools under the charge of the board, and to the trustees, managers, and directors of the several schools.

3. To provide evening schools for those whose ages or avocations are such as to prevent their attending the day schools established by law, in such of the ward schoolhouses or other building used for school purposes, and in such other places in the city as they may from time to time deem expedient, and also to provide schools for coloured children, and also a normal school, or school for those desirous to become teachers, and for teachers, which shall be attended by such of the teachers in common schools as the Board of Education by general regulations shall direct, under penalty of forfeiture of their situations as teachers, by omitting to attend, which forfeiture shall be declared by the board; and to appoint teachers for the normal and coloured schools, and also, upon the nomination of the trustees of the respective wards, to appoint teachers for the evening schools; and said board shall furnish all needful supplies for the evening, normal, and coloured schools.

4. To furnish all necessary supplies for the several schools under their care, &c.

5. To make and transmit, between 15th January and 1st February in each year, to the state superintendent of public instruction, and to the common council of the city of New York, a report in writing, bearing date on the 31st December next preceding, stating the whole number of scholars within their jurisdiction, specially designating the schools for coloured children; the schools or societies from which reports have been made to the Board of Education within the time limited for that purpose; the length of time such schools have been kept open; the amount of public money apportioned or appropriated to said school or society; the number taught in each school; the whole amount of money drawn from the city chamberlain for the purposes of public education during the year ending at the date of their report, distinguishing the amount received from the general fund of the state and from all other and what sources; the manner in which such moneys have been expended; and such other information as the state superintendent may from time to time require in relation to common-school education in the city and county of New York; and this report is held and taken to be a full compliance with every law requiring a report from the board, or any officer of the city and county of New York, except the city superintendent, relative to the schools in the city, or any matters connected therewith. If the board should neglect to make such annual report within the time limited, the share of school-moneys apportioned to the city and county of New York may, in the discretion of the state superintendent, be withheld until a suitable report shall have been rendered.

6. By general rules and regulations to provide the proper classification of studies, scholars, and salaries, in such manner that, as near as practicable, the system of instruction pursued in the common schools and the salaries paid to teachers shall be uniform throughout the city.

The title to all school property is vested in the mayor, aldermen, and commonalty of the city, but is under the care and control of the Board of Education for the purpose of public education; and all suits in relation thereto are brought in the name of the board. The Board of Education is the lawful successor of the former Public School Society of the city of New York.

It is the duty of the commissioners of common schools—

1. To attend all the meetings of

the Board of Education; and the board may declare the office of a commissioner vacant upon his failure to attend three successive stated meetings after having been personally notified to attend.

2. To transmit to the board all reports made to them by trustees and inspectors of their respective wards.

3. To visit and examine all schools entitled to participate in the apportionment.

It is the duty of the inspectors of common schools, or a majority of them in their respective districts, to examine, and before payment to audit, the expenses of any ward in the district; to examine at least once in every quarter all the schools in the districts as to punctual and regular attendance of pupils and teachers; the number, fidelity, and compensation of teachers; the studies, progress, order, and discipline of pupils; the cleanliness, safety, warming, ventilation, and comfort of the school premises; whether or not the provisions of the school in respect to the teaching of sectarian doctrines or the use of sectarian books have been violated; and to call the attention of the trustees without delay to every matter requiring effectual action. They shall also, on or before 31st December in each year, make a written report to the Board of Education and to the board of trustees, in respect to the condition, efficiency, and wants of the district in respect to schools and school premises.

It is the duty of the trustees for each ward—

1. To have the safe keeping of all premises and property of the ward schools and ward primaries in their respective wards.

2. To appoint by a majority vote, at a meeting of their board, teachers other than principals and vice-principals, and also janitors.

3. Under the general rules and regulations, and subject to the limitations prescribed by the Board of Education, to conduct and manage the said schools, furnish all needful supplies, and make repairs, &c.

4. To procure blank-books, and to keep in one a statement of receipts and expenditures of each of the schools conducted by them, and of all movable property; and in one book minutes of their meetings; and in other books the principal teacher of each school and department shall enter the names, ages, and residences of the scholars attending the school, the name of a parent or guardian of each scholar, and the days on which the scholars have respectively attended, and the aggregate attendance of each during the year; also the days on which each school has been visited by the city and assistant superintendents of schools, and the school officers of the ward, and the members of the Board of Education, or any of them, which entries shall be verified by the oath or affirmation of the principal teacher in such school or department. These books are preserved by the trustees as the property of the school, and are delivered to their successors.

5. To make, at least five days before the 1st of January in each year, or, if the school is kept open after 25th December, when specially designated by the Board of Education, and transmit to said Board, a report in writing, dated 31st December, signed and verified by a majority of the trustees, stating the whole number of schools within their jurisdiction, especially designating the schools for coloured children, the length of time each school has been kept open, the whole number of scholars over four and under twenty-one years of age who have been taught, free of expense to such scholars, in their schools, during the year ending with the date of the report,

&c., with such other information as the Board of Education requires. Each department, whenever practicable, is considered as a separate school.

6. To hold as a corporation all personal property vested in or transferred to them for school purposes in their respective wards.

7. To render just and true accounts in writing, and to pay any balance which may remain in their hands, to their successors.

8. To meet at stated times, and to declare vacant, by a vote of a majority of the trustees of the ward, the seat of any trustee who refuses or neglects, without satisfactory cause shown by him to the said trustees, to attend any three consecutive stated meetings after having been previously notified to attend.

All expenses incurred for the support of common schools in the respective wards are certified by the trustees of common schools in such wards, or a majority of them, and delivered to the inspectors of said ward for examination and audit and for certification to the Board of Education, which, after the same are paid, files them. The school officers of the ward, after a favourable decision, by purchase, building, or leasing, procure a schoolhouse,—plans, specifications, and contracts having been filed with and approved by the Board of Education. The board of trustees may remove teachers, other than principals and vice-principals, and janitors, provided the inspectors approve thereof in writing; but a teacher removed can appeal to the Board of Education.

The city superintendent is subject to such general rules and regulations as the state superintendent of public instruction may prescribe, and appeals from his acts and decisions may be made to the superintendent, in the same manner and with like effect as formerly provided by law. He reports, in writing, to the state superintendent, whenever required by him, the whole number of schools in the city and county, distinguishing the schools from which the necessary reports have been made to the Board of Education by the commissioners, inspectors, and trustees of common schools, and containing a certified copy of the reports of the Board of Education to the clerk of the city and county, with such additional information required by the state superintendent. The city and assistant superintendent take and subscribe the constitutional oath of office, and each holds office for two years, and until his successor is appointed, subject to removal by the Board of Education. They are subject to the rules and regulations of the board, which fixes their respective compensations. It is the duty of the city superintendent—

1. To visit every school under the charge of the Board of Education as often as once in each year; to inquire into all matters relating to the government, course of instruction, books, studies, discipline, and conduct of such schools, and the condition of the schoolhouses, and of the schools generally; and to advise and to counsel with the trustees in relation to their duties, &c.; and to examine, ascertain, and report to the Board of Education regarding religious sectarian teaching and books; and to make a monthly report with comments to said board, stating which schools he had visited.

2. Under the general rules and regulations prescribed by the Board of Education, to examine into the qualifications of persons proposed as teachers, the examination to be in presence of at least two inspectors. Persons found qualified receive licences, signed by the city superintendent and at least two inspectors.

A licence may be revoked, for causes affecting the morality or competency of the teacher, by the written certificate of the city superintendent and the written concurrence of two of the inspectors of the particular district, which is filed in the office of the clerk of the Board of Education, and a copy served upon the teacher, who can appeal to the state superintendent. The superintendent in his annual report to the Board of Education includes a list of the licences granted and revoked by him.

3. Generally to promote sound education, elevate the character and qualifications of teachers, improve the means of instruction, and advance the interests of the schools committed to his charge.

The superintendent of school-buildings takes and subscribes the constitutional oath, and gives such security for the faithful performance of his duties as the Board of Education may direct. Any teacher may be removed by a three-fourths vote of all the members of the Board of Education, upon the recommendation of the city superintendent, or a majority of the trustees for the ward, or of a majority of the inspectors for the district. Every school officer shall, at the time of his election or appointment, be a resident of the district or ward for which he is appointed; and every trustee removing from the ward for which he is appointed; and every school officer removing from the city, thereby vacates his office.

All children between five and twenty-one years of age residing in the city and county are entitled to attend any of the common schools therein; and the parents, guardians, or other persons having the control or care of them are not liable to any tax, assessment, or imposition for the tuition, other than as stated. The schools are called common schools, "ward schools," or ward primaries, and each class is numbered consecutively according to the time of their organisation or adoption, and all such schools are under the government of the commissioners, inspectors, and trustees of the ward in which they are located. The ward schools are classified as grammar, primary, and evening schools.

THE COLLEGE OF THE CITY OF NEW YORK.

The College of the city of New York, formerly known as the Free Academy in the city of New York, continues to be a separate and distinct organisation and body corporate, and as such has the powers and privileges of a college, and is subject to the visitation of the regents of the University of the State of New York. The members of the Board of Education, together with the president of the college, are *ex officio* the trustees of the college; and the said regents pay annually to the said Board of Education the distributive share of the income of the literature and other funds to which the college is by law entitled. The trustees of the college annually, on or before 15th November, report to the board of estimate and apportionment such sum, not exceeding $150,000 in any one year, as they may require, for the payment of the salaries of the professors and officers of the college, for obtaining and furnishing scientific apparatus, books for the students, and all other necessary supplies therefor, and for repairs, &c. The Board of Education can continue to furnish through this college gratuitous education to pupils in the city and county common schools for a period, fixed by the board of trustees, of not less than one year. And

the trustees, upon the recommendation of the college faculty, can grant the usual degrees and diplomas in the arts to those who have completed a full course of study in the college. The trustees make and transmit annually, on or before 1st February, to the board of aldermen, and also the secretary of the board of regents, a report in terms similar to the reports made and transmitted by other colleges to the board of regents.

MISCELLANEOUS.

Though the schools have to be unsectarian, the Board of Education is not authorised to exclude the Holy Scriptures, without note or comment, or any selections therefrom, from any of the schools provided for by said chap. 555, laws of 1864; or to decide what version, if any, shall be used. But the rights of conscience as secured by the constitution of this state and of the United States shall not be violated. The following schools in New York city—to wit, the Five Points House of Industry, the Ladies' Home Missionary Society of the Methodist Episcopal Church at the institution in Park Street, and the industrial schools of the Children's Aid Society—participate in the distribution of the common school fund the same as common schools, and are subject to the same regulations and restrictions. The New York Orphan Asylum School, the Roman Catholic Orphan Asylum School, the schools of the two Half-Orphan Asylums, the school of the Society for the Reformation of Juvenile Delinquents in the city of New York, the school for the Leake and Watts Orphan House, the school connected with the Almshouse, the school of the Association for the Benefit of Coloured Orphans, the schools of the American Female Guardian Society, the schools of the New York Juvenile Asylum, New York Infant Asylum, the Nursery and Child's Hospital, including the country branch thereof, the schools organised under the Acts passed, respectively, April 11th, 1842, April 18th, 1843, or May 7th, 1844, or amendatory Acts, and including such normal schools for the education of teachers as the Board of Education may have organised, and the schools organised under said chap. 555, laws of 1864,—are subject to the general supervision of the Board of Education, and are entitled to participate in the apportionment of said school funds; but they are under the immediate direction of their respective trustees, managers, and directors. The trustees, managers, and directors of any corporate school entitled to a share of school-moneys may at any time convey their schoolhouses and sites to the corporation of the city of New York, and transfer any of their schools to the Board of Education, on the terms prescribed by this board, so as to merge the same in the ward schools, or adopt them as ward schools as if they had been originally established as ward schools. The manager of the New York Institution for the Blind receives from the Board of Education a ratable proportion of the said school fund to every blind pupil in their institution without regard to age.

NAUTICAL SCHOOL.

The Board of Education is directed to provide and maintain a nautical school in the city of New York for the education and training of pupils

in the science and practice of navigation, and may cause the scholar, the pupils, or part of the pupils thereof, to go on board vessels in the harbour of New York, and take cruises in or from said harbour for the purpose of obtaining a practical knowledge in navigation and of the duties of mariners. The board is authorised to apply to the United States Government for the requisite use of vessels and supplies for its purposes. Three members at least of the Board of Education, subject to the control, supervision, and approbation of the Board, constitute an executive committee for the nautical school. The expenses of the school are defrayed from the moneys raised by law for the support of common schools in the city and county of New York. The Chamber of Commerce of New York is authorised to provide for and appoint a committee of its members to serve as a council of this school, to advise and co-operate with the Board of Education, and from time to time to visit and examine the school, and to communicate in respect thereof with such board, or such executive committee thereof, and to make reports to the Chamber of Commerce, which may transmit to the state superintendent of public instruction any such reports or abstracts therefrom, with recommendations. The whole number taught was, in 1883, 76; in 1884, 142; in 1885, 88. (*Vide ante*, p. 563.)

THE HEBREW ORPHAN ASYLUM

Is a corporation having the sole and exclusive custody and control of the persons of such orphans, half-orphans, or indigent children of the age not exceeding thirteen years as the trustees may agree to maintain, provide for, educate, and instruct during their minority, provided that, in respect to any orphan, the legal guardian or nearest relative, or one of the governors of the almshouse, and in respect to any half-orphans or indigent children, the parents or surviving parent or legal guardian consents thereto, or that such half-orphan or indigent child is committed to the care and custody of the asylum by any court, magistrate, or police justice of the city of New York. The asylum trustees can bind out any such child, of thirteen years of age at least, to be taught and instructed in some necessary or useful employment. The asylum enjoys the same benefits, and receives for the care, education, and maintenance of such children the like compensation paid, and in the same manner authorised by law, to the New York Juvenile Asylum.

By "An Act in relation to the study of Physiology and Hygiene in the public schools," passed March 10, 1884, three-fifths being present, provision shall be made by the proper local school authorities for instructing all pupils in all schools supported by public money, or under state control, in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system; and no certificate shall be granted to any teacher who has not passed a satisfactory examination in these subjects.

By an Act of 1884, the coloured

schools of the city of New York have ceased to be distinguished from other ward schools and primaries, and are open for the education of pupils for whom admission is sought, without regard to race or colour. The average attendance in 1882 was 501, and 443 in 1883.

According to the 1885 report of the Board of Education of the city of New York, the whole number of schools was divided thus:—

Normal college and training department	2
Grammar-schools—	
For males	46
For females	47
For both sexes (mixed)	13
Primary departments of grammar-schools	75
Primary schools	40
Evening schools	28
Nautical school	1
Corporate schools (industrial school, reformatories, orphan asylums, &c.)	48
Total	300

Besides these there reported to the Board of Education—

1. The New York Orphan Asylum School.
2. The Roman Catholic Orphan Asylum School.
3. The schools of the two Half-Orphan Asylums.
4. The schools of the Society for the Reformation of Juvenile Delinquents.
5. The schools of the Leake and Watts Orphan House.
6. The school of the Association for the Benefit of Coloured Orphans.
7. The schools of the American Female Guardian Society.
8. The school established and maintained by the New York Juvenile Asylum.
9. The House of Reception for Juvenile Asylum.
10. The school established and maintained by the Ladies' Home Missionary Society of the Methodist Episcopal Church.
11. The school established and maintained by the Five Points House of Industry.
12. The industrial schools established and maintained under the charge of the Children's Aid Society.
13. The school established and maintained by the New York Society for the Relief of the Ruptured and Crippled.
14. Nursery and Child's Hospital.
15. Hebrew Benevolent and Orphan Asylum.
16. Association for Befriending Children and Young Girls.

The whole amount of money drawn from the comptroller for the purpose of public instruction during the year was $4,443,890.30.

THE UNIVERSITY OF THE STATE OF NEW YORK.

Colleges, Academies, and Select Schools.

The University of the State of New York is incorporated under the name of "The Regents of the University of the State of New York," and by that name has perpetual succession, to sue and be sued, to make and use a common seal and alter the same at pleasure, to hold property, real and personal, to the amount of the annual income of 40,000 bushels of wheat, and to buy and sell and otherwise dispose of lands and chattels. There are twenty-two regents, including the

governor, lieutenant-governor, secretary of state, and the superintendent of public instruction, who are members of the board *ex officio*. With the exception of the governor and lieutenant-governor, the regents are appointed by the legislature, and may be removed by a concurrent resolution of the senate and assembly. The failure of any regent to attend, at least once, at any of the meetings of the regents held during any session of the legislature, when they are by law required to meet, without some just cause satisfactory to the board of regents, is deemed a resignation; and it is the duty of the regents to report to the legislature the names of members whose seats thus become vacant. The officers of the corporation are a chancellor, a vice-chancellor, a treasurer, and a secretary, who are chosen by the regents by ballot, and hold office during the pleasure of the board. Failing the chancellor, the vice-chancellor, and failing both of these, the senior regent in the order of appointment, presides at meetings, and has a casting vote. The annual meeting is held on the evening of the second Thursday in January, at the senate chamber in the Capitol; and all meetings, except adjourned meetings, are held at such time and place as the chancellor, whom failing, &c., appoints. Eight regents form a quorum; and the regents present, whatever the number, can adjourn, not exceeding ten days at a time. At the request of three regents a meeting is at any time called, the order being published in the state paper at least ten days prior to the meeting. The treasurer keeps the books of account, and the secretary the journal of proceedings; and each regent has always access to, and is permitted to take copies of, all the books and papers of the corporation.

The regents are authorised and required, by themselves or their committees, to visit and inspect all the colleges and academies in the state, examine into the condition and system of education and discipline therein, and make an annual report thereon to the legislature. In the discharge of any duty required by law or by resolution of the senate or assembly, they, or any committee of them, may require any proof or information relating thereto to be verified by oath, and for such purposes (and no other) have the powers by law vested in any committee of either house authorised to send for persons and papers. The regents can make such by-laws and ordinances as they judge most expedient for the accomplishment of the trust reposed in them.

The regents have the right of conferring, by diploma under their common seal, on any person whom they may judge worthy thereof, such degrees above master of arts as are known to, and usually granted by, any college or university in Europe. A degree of doctor of medicine, granted by the regents, authorises the person on whom it is conferred to practise physic and surgery within the state. The regents can institute examinations as to the attainments in learning of such persons as may appear, and be examined before examiners to be appointed from time to time by the regents, which examinations are held at such times and places, and under such rules and regulations, as the regents may from time to time prescribe; and the regents may, on the recommendation of any such board of examiners, or of a majority of them, confer on any person such certificate or diploma, under the seal of the university, as they may deem proper: provided it in no case contains or confers any designation or title of any degree which is now conferred by any college in this state (chap. 372, laws of 1875).

Should the trustees of any college leave the office of president thereof, or the trustees of any academy leave the office of principal thereof, vacant for the space of one year, the regents shall fill up such vacancy, unless a reasonable cause is assigned for such delay to their satisfaction; and the person so appointed by the regents continues in office during their pleasure, and has the same salary, emoluments, and privileges as the next immediate predecessor in office enjoyed; or, if there was no such immediate predecessor, such salary as the regents direct to be paid by the trustees out of the funds or property of their college or academy. The regents have the control of the whole income arising from the literature fund, and annually divide such income into eight equal parts, and assign one part to each senate district. Each part so assigned they distribute among such of the incorporated seminaries of learning, exclusive of colleges, within the particular district as are subject to their visitation, by a valid corporate Act. This is done by the comptroller drawing his warrant in favour of each institution for the sum so awarded to it, in terms of the schedule of distribution delivered to him by the regents. Every such distribution is made in proportion to the number of pupils in each seminary who, for four months during the preceding year, have pursued therein classical studies or the higher branches of English education, or of both. But in making this distribution, the board of regents is authorised to apportion a certain part of said moneys, not to exceed the one-fourth part thereof, in proportion to the number of pupils in the several academies and academic departments of union schools, who during the preceding year have passed the advanced examinations required by the Act of 1877 to be passed by common-school teachers. No pupil in any such seminary is deemed to have pursued classical studies unless he has advanced at least so far as to have read in Latin the first book of the Æneid, nor to have pursued the higher branches of English education unless he has advanced beyond such knowledge of arithmetic (including vulgar and decimal fractions) and of English grammar and geography, as is usually obtained in common schools.

The regents require each seminary subject to their visitation to make an annual return, on or before the first day of February in each year, to the secretary of their board, which is attested by the oath either of the principal instructor in the seminary by which it is made, or of one of the trustees thereof, and contains—

1. The names and ages of all the pupils instructed in such seminary during the preceding year, and the time that each was so instructed.

2. A particular statement of the studies pursued by each pupil at the commencement of his instruction, and of his subsequent studies until the date of the report, together with the books he has studied in whole or in part, and if in part, what portion.

3. An account or estimate of the cost or value of the library, philosophical and chemical apparatus, and mathematical and other scientific instruments belonging to the seminary.

4. The names of the instructors employed in the seminary, and the compensation paid to each.

5. An account of the funds, income, debts, and incumbrances of the seminary, and of the application therein of the moneys last received from the regents.

On or before the 1st day of March in each year the regents report to the legislature an abstract of all the returns made to them, embracing a general view of the particulars con-

tained therein, and also state in their report the distribution made by them, during the preceding year, of the income of the literature fund, the names of the seminaries sharing in such distribution, and the amount received by each.

The regents prescribe the forms of all returns which they require from colleges and other seminaries of learning subject to their visitation, and may direct such forms and such instructions as from time to time are given by them as visitors to be printed by the state printer. The expenses of such printing, and all other necessary expenses incurred by the regents as a board in the discharge of their official duties, are audited by the comptroller and paid out of the treasury.

By chap. 471, laws of 1885, all applications for charters for colleges and academies, and all charters of colleges and academies granted by the regents of the university, and all amendments or alterations of the same, shall be recorded in the office of the secretary of the board of regents, instead of the office of the secretary of state. The regents (laws of 1857) have full power to examine, by themselves or their secretary, into the manner in which all institutions of learning subject to their visitation are conducted, to the end that they may report the same to the legislature; and they are empowered to give such relief to academies in relation to the distribution of public funds as had theretofore been rendered by the legislature, whenever in their judgment such relief is equitable and just, or rendered necessary by error in their reports, or by error in the distribution of said funds. No academy or institution of learning shall (laws of 1857) pay to its stockholders, shareholders, or other persons claiming rights of ownership therein, any dividends or any portion of its earnings, or other income from whatever source derived, while there is any outstanding indebtedness against the same; and all moneys received by the same in the annual distribution of the literature and United States deposit funds shall be applied exclusively by the trustees of such academy or institution towards paying the salaries of teachers, and shall not, in any case, make a part of any dividend to stockholders, &c.

The trustees of every college to which a charter is granted are a corporation. They meet upon their own adjournment, and as often as summoned by their chairman, or, in his absence, by the senior trustee, upon the request in writing of any other three trustees. Notices of such meetings are given in a newspaper printed in the county where the college is situated at least six days before the meeting; and every trustee resident in the county is previously notified in writing. Seniority among the trustees is determined according to the order in which they are named in the charter, and these being extinct, according to the priority of their election. Their number shall not exceed twenty-four, nor be less than ten, and a majority of the whole number is a quorum for the transaction of business. The trustees of every college, besides the general powers and privileges of a corporation, have power—

1. To elect by ballot their chairman annually.

2. Upon the death, removal out of the state, or other vacancy in the office of any trustee, to elect another in his place by a majority of the votes of the trustees present.

3. To declare vacant the seat of any trustee who absents himself from five successive meetings of the board.

4. To take and hold, by gift, grant,

or devise, any real or personal property, the yearly income or revenue of which shall not exceed the value of $25,000.

5. To sell, mortgage, let, and otherwise use and dispose of such property in such manner as they deem most conducive to the interest of the college.

6. To direct and prescribe the course of study and discipline to be observed in the college.

7. To appoint a president of the college, who holds his office during good behaviour.

8. To appoint such professors, trustees, and other officers as they deem necessary, who, unless employed under a special contract, hold their offices during the pleasure of the trustees.

9. To remove or suspend from office the president and every professor, tutor, or other officer employed under a special contract, upon a complaint in writing by any member of the board of trustees, stating the misbehaviour in office, incapacity, or immoral conduct of the person sought to be removed, and upon examination, and upon due proof of such complaint; and to appoint any other person in place of the president or other officer thus removed or suspended.

10. To grant such literary honours as are usually granted by any university, college, or seminary of learning in the United States, and to give suitable diplomas under their seal and the signature of such officers of the college as they deem expedient.

11. To ascertain and fix the salaries of the president, professors, and other officers of the college.

12. To make all ordinances and by-laws necessary and proper to carry into effect the preceding powers.

Every diploma granted by such trustees entitles the possessor to all the immunities which, by usage or statute, are allowed to possessors of similar diplomas granted by any university, college, or seminary of learning in the United States.

By the laws of 1813, chap. 59, "An Act relative to the University," any citizen or citizens, or bodies corporate within the state, being disposed to found a college at any place within the same, he or they shall, in writing, make known to the regents the place where, the plan on which, and the funds with which, it is intended to found and provide for the same, and who are proposed for the first trustees; and if the trustees approve and declare their approbation by an instrument under their common seal, and it appear, at the expiration of a certain time allowed for completing the same, that the plan and proposition are fully executed, then they shall, by act under their common seal, declare that the said college, to be named as the founders signify, and with such trustees, not exceeding twenty-four nor less than ten, as they name, shall forthwith become incorporated, and have perpetual succession, and enjoy all the corporate rights and privileges enjoyed by Columbia College in and by an Act entitled "An Act to institute an university within this state, and for the purposes therein mentioned," passed April 13, 1787.

By chap. 82, laws of 1813, "the present trustees of Columbia College and their successors shall be and remain for ever hereafter a body politic and corporate in fact and in name, by the name of 'The Trustees of Columbia College in the City of New York.'" The powers and privileges of these trustees are similar to those above specified, except that eleven are a quorum for the despatch of business—except for the disposal of real estate, or for the choice or removal of a president, for

either of which purposes there shall be a meeting of at least thirteen trustees. No professor, tutor, or other assistant officer shall be a trustee; but this does not extend to the provost of the college for the time being, who is eligible as a trustee. The clear yearly value of real estate shall not exceed $20,000. A royal charter was granted in 1754 to King's College, but the colonial days being passed, the name was changed in 1787 to Columbia College.

By this last-mentioned Act the agreement made between the trustees of Union College, in the city of Schenectady, and the mayor, aldermen, and the commonalty of that city relative to the purchase or exchange of certain real estate lying within the bounds of the city, were confirmed and made valid in law. The sum of $35,000 theretofore paid to the trustees of the college out of the avails of certain lotteries should remain at interest, payable annually, on approved landed security, or should be invested in public stock in such manner as the trustees of the college, from time to time, by and with the consent, in writing, of the person administering the government of the state, or the chancellor thereof, should direct; and the annual income should for ever thereafter be solely and exclusively applied for the support of the professorships in the said college. The principal sum of $35,000 was to remain intact for ever; and the trustees should annually exhibit to the legislature a just, true, and circumstantial account of their proceedings in relation to the disposition and application of the interest which should accrue from this $35,000, and how the principal sum was invested, or to whom and on what security placed at interest. Also the sum of $35,000 paid, or to be paid, to the trustees out of the avails of certain lotteries, should be applied towards the erection of additional edifices for the accommodation of students; and $10,000 also paid, or to be paid, the trustees out of the avails of certain lotteries, should be invested or put out at interest as aforesaid, one-half of the income to be laid out in establishing and maintaining for ever a classical library, from which all the students in the seminary should be furnished with the books which they are required to study, subject to regulations prescribed by the trustees, paying for their use $1.50 per quarter. And further, all indigent students who should make it appear to the faculty of the college that they were financially embarrassed, should, during good behaviour, be furnished, free of expense, with the books necessary for pursuing their education. And further, the remaining half of the income of the $10,000 should for ever be appropriated towards defraying the expenses of any such indigent scholars in the seminary. The number of the trustees should not exceed twenty-one, including the chancellor, the justices of the supreme court, the secretary of state, the comptroller, the treasurer, the attorney-general, and the surveyor-general for the time being, respectively, *ex officio* trustees. And further, the regents of the university should fill all vacancies of the trustees. It was declared not to be lawful for any person to entice the students of the Union College, or of the grammar-school belonging to the same, into the vice of gaming, by keeping within the first and second wards of the city of Schenectady any billiard-table or other instrument or device for the purpose of gaming; and that if any person should keep any billiard-table or other instrument or device for gaming within these wards, or should entice or permit

any such student to game or play at the said billiard-table or other instrument or device aforesaid, or should entice or permit them or any of them to enter the place where the same was kept, every person so offending should forfeit the sum of $25 for every such offence, one moiety for the use of the people of this state, and the other to the benefit of such person as should prosecute therefor. It should be the duty of the sheriff of the county, together with the constables of the said city of Schenectady, to attend the annual commencement and the public exhibitions of the said Union College, to preserve peace and good order and prevent any unlawful assemblage and tumult about the same.

The charter granted to the College of Physicians and Surgeons in the city of New York by the regents of the university, bearing date 4th June 1812, was, by the laws of 1813, chap. 59, ratified and confirmed, provided always that the amount of the property which the college shall or may be authorised to hold shall never exceed in value $150,000, current money of New York; and that the regents reserve to themselves the right of conferring degrees, and appointing the professors or teachers of the several branches of the medical science in the college, and of filling all such vacancies as they arise among the trustees or members thereof; and provided also that any of the trustees of the college shall, in the discretion of the regents, be appointed professors and teachers in the college. The regents may at any time alter and amend the said charter, provided such alterations or amendments be not repugnant to the constitution or laws of this state, or inconsistent with vested interests. It was also enacted that when any scholar, educated at any of the academies, on due examination by the president and professors of any college subject to the visitation of the regents, should be found competent, in the judgment of the said president and professors, to enter into the sophomore, junior, or senior classes of such colleges respectively, such scholar should be entitled to an admission into such of the said classes for which he should be so adjudged competent, and should be admitted accordingly at any one of the quarterly examinations of such respective classes. But the trustees of the academy must have laid before the regents the plan or system for the education of the students, and have obtained the confirmation thereof, after alteration, amendment, or approval by the regents.

By this last-mentioned Act, whenever it should appear to the regents that the state of literature in any academy was so far advanced, and the funds would admit thereof, that it might be expedient that a president be appointed for such academy, the regents should in such case signify their approbation thereof under their common seal; which, being entered of record, should authorise the trustees of such academy to elect a president, who should hold and enjoy all the powers that the president of any college recognised by said Act lawfully has, holds, and enjoys; and such academy thereafter, instead of being called an academy, should be called and known by the name it was called while it was an academy, except that the word college should be used in all cases instead of the word academy; and should be subject to the like rules, regulations, control, and visitation of the regents as other colleges mentioned in this Act.

In 1862, an Act was passed by the Congress of the United States, entitled "An Act donating public lands to the several states and territories

which may provide colleges for the benefit of agriculture and the mechanic arts," the provisions of which were accepted by an Act of the State of New York in the following year; then, in 1863, another Act (chap. 460) authorised the comptroller of the state to receive from the proper authorities of the United States the land-scrip to be issued for the lands so granted to this state, and to give all necessary receipts or acknowledgment therefor. The comptroller was authorised, by and with the approval and concurrence of the lieutenant-governor, attorney-general, treasurer, and chancellor of the university, from time to time, as he might deem proper, to sell such land-scrip, or part thereof, in the manner prescribed. All moneys, after payment of expenses of management and sale, &c., of the lands, received by the comptroller, were to be invested in stocks of the United States, or of this state, or in some other safe stocks yielding interest, and to constitute a perpetual fund, the capital of which should for ever remain undiminished, except as provided for by said Act of Congress. The comptroller, in his annual report to the legislature, should state the condition and amount of this fund, the expenditures on account thereof, and all his proceedings and acts in regard thereto; and all moneys received by him were forthwith to be deposited in the state treasury, as a trust fund, with which a special office and bank account should be kept by the treasurer, so that these moneys should not be intermingled with the ordinary funds of the state.

By laws of 1863, chap. 511, the income, interest, and avails of the investments of this fund were appropriated to, and should from time to time, as received, be paid over to the trustees of the People's College, located at Havana, in the county of Schuyler, for the use and behoof, in the mode and for the purposes in said Act of Congress defined; provided that the trustees should show to the satisfaction of the regents of the university, and so to be certified by them, within three years, that they, the trustees, were prepared with at least ten competent professors to give instruction in such branches of learning as are related to agriculture and the mechanic arts, including military tactics, as required by the said Act of Congress, and that they owned and were possessed of suitable college grounds and buildings, properly arranged and furnished for the care and accommodation of at least 250 students, with a suitable library, philosophical and chemical apparatus, and cabinets of natural history, and also a suitable farm for the practical teaching of agriculture, of at least 200 acres, with suitable farm-buildings, farming implements, and stock; and also suitable shops, tools, machinery, and other arrangements for teaching the mechanic arts, all of which property must be held by the trustees absolutely, and be fully paid for; and provided further that the college should be subject to the visitation of the regents; and provided further that the payment should cease whenever, in the opinion of the regents, the college should neglect to fulfil the conditions of this appropriation; and that whenever the proceeds of the said investments should be in excess of the needs of this college, the regents, who had power to determine the amount of such excess, should notify the comptroller, and he should thereafter withhold the same from said college; and further, that the People's College should conform to the Act of Congress, in making an annual report, and transmitting copies thereof to the Secretary of the Interior at

Washington, and to other colleges. The property of the college must not be encumbered, alienated, or disposed of by the trustees. Whenever, in the opinion of the regents, the income arising from said investments warrants the same, the People's College shall receive students from each county in this state, and give and furnish to them instruction in any or all the prescribed branches of study pursued in any department of the institution, free from any tuition fee or any incidental charges to be paid to the college; and the regents of the university shall from time to time designate the number of students to be so educated, but they shall be selected or caused to be selected by the chancellor of the university and the superintendent of public instruction, who jointly publish such rules and regulations in regard thereto as will, in their opinion, secure proper selections and suitable competition in the academies and public and other schools in the state. The regents also each year, in accordance with the income of the college, determine the number of youths of the State of New York whom the faculty of the college, after due examination, and with the approbation of the trustees thereof, shall admit as properly qualified students, who shall be exempt from any payment for board, tuition, or room rent; but in the selection of students preference shall be given to the sons of those who have died in the military or naval service of the United States.

The remainder of the income not appropriated to the People's College shall be paid over from time to time, in such manner and proportions as the regents determine, to such of the colleges of the state as are willing to comply in their arrangements and instructions with the requisitions of the Act of Congress, and the regents judge most suitable, having preference in such selection and division to the existing arrangements of such colleges respectively, for instruction in agriculture and the mechanic arts, and giving preference to colleges endowed after the passage of said Act (1863) for the purpose of advancing such instruction.

In 1867, Ezra Cornell, and nine others named, and such other persons as might be associated with them for that purpose, were, by chap. 585, created a body politic and corporate, to be known as the Cornell University, located in the town of Ithaca, in the county of Tompkins, in this state. The first board of trustees consisted of the ten gentlemen named as incorporators, the governor, the lieutenant-governor, the speaker of the house of assembly, the superintendent of public instruction, the president of the board of faculty of the said corporation, the president of the state agricultural society, and the librarian of the Cornell Library. The eldest lineal male descendant of Ezra Cornell shall be one of the trustees thereof *ex officio*. In addition to the said number of trustees, there were to be elected by them, or by a quorum of them, at their first meeting, by a vote of a majority of such quorum, seven other trustees to act with them as the board of trustees; but at no time should a majority of the board be of one religious sect or of no religious sect. The number of the permanent trustees, other than those trustees *ex officio*, including Ezra Cornell, is not to exceed fifteen. These fifteen trustees were divided into five classes, holding office respectively five, six, seven, eight, and nine years, and their successors were elected to hold office for five years, so that now three trustees are elected each year by ballot. Thirteen of the ballots cast must concur before any one is thereby elected a trustee. The trustees

were to be elected by the votes of those of the board of trustees whose term did not expire until the alumni of the university should have reached 100, whereupon and so long as the alumni number 100 or upwards, the trustees to be elected at the end of any year are elected thus:—If 45 alumni meet at the university at the time of the annual commencement, they, in the manner specified, elect one trustee, but not unless a majority of those present concur in the election. If 45 alumni do not so meet, or meeting do not so elect, or if at any time the alumni do not number 100, the board of trustees elect the three trustees in the manner described. The leading object of this university is to teach such branches of learning as are related to agriculture and the mechanical arts, including military tactics, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. But such other branches of science and knowledge may be embraced in the plan of instruction and investigation pertaining to the university as the trustees may deem useful and proper. Persons of every religious denomination, or of no religious denomination, are equally eligible in all offices and appointments. The corporation may hold real and personal property, not exceeding $3,000,000 in the aggregate. Upon condition that the trustees proved to the satisfaction of the comptroller, within six months after the passage of the Act of incorporation, that Cornell University possessed a fund of $500,000 at least, given by the said Ezra Cornell, absolutely and without any limitation, restriction, or condition whatever, save such as were in accordance with the Act of Congress of 1862, and that the said Ezra Cornell should also, within the said six months, pay over to the trustees of Genesee College, located at Lima, in this state, the sum of $25,000 for the purpose of establishing in said Genesee College a professorship of agricultural chemistry, the income, revenue, and avails received from the investments of the proceeds of the sale of the lands, &c., granted by said Act of Congress of 1862, were appropriated to, and should from time to time, as the same should be received, be paid over to the trustees of Cornell University, for its use and behoof, and for the purposes in said Act of Congress defined. But the trustees of the People's College might, in place of a strict compliance with the conditions of the laws of 1863, chap. 511, within three months from the passage of this Act (laws of 1867, chap. 585), deposit such a sum of money as, in addition to what had already been expended, should, in the opinion of the regents, be sufficient to enable the trustees to fully comply with said conditions. If the trustees of the People's College should not within the term have complied to the satisfaction of the regents; or if, within the said term of three months, they should not have made the deposit as aforesaid, then the said avails, income, and revenue received from the investments of the proceeds of the sales of such lands, &c., should be disposed of to Cornell University, and not before. If the trustees of the People's College should, however, comply so that they should be entitled to receive and enjoy the benefits of said Acts of 1863 and 1867, then the $500,000 given by Ezra Cornell should, in his option or that of his personal representatives or assigns, revert to him or them. The several departments of study in Cornell University are open to applicants for admission thereto at the lowest rates of expense consistent with its welfare and efficiency, and without distinction as to rank, class, previous

occupation, or locality. But with a view to equalise its advantages to all parts of the state, the institution annually receives students, one from each assembly district in the state, and gives them instruction in any or in all the prescribed branches of study in any department, free of any tuition fee or of any incidental charges to be paid to the university, unless to compensate for damages needlessly or purposely done by the students to the property of the university. This free instruction is, moreover, accorded to said students in consideration of their superior ability, and as a reward for superior scholarship in the academies and public schools of the state. These students are selected as the legislature from time to time directs, and, until otherwise ordered, they are by said Act directed to be selected as follows:—The school commissioners of each county and the board of education of each city, or those performing the duty of such board, select annually the best scholar from each academy and each public school of their respective counties or cities, as candidates for the university scholarship. But in no case shall any person having already entered the university be admitted as one of these candidates. The candidates thus selected meet by appointment, and the school commissioners and the board of education, or such of them as attend and act, proceed to examine and determine which of the candidates are the best scholars; and they then select therefrom to the number of one for each assembly district in said county or city, and furnish each of the candidates thus selected with a certificate of such selection, which entitles such student to admission to said university, subject to the examination and approval of the faculty of said university. In making these selections, preference shall be given (where other qualifications are equal) to the sons of those who have died in the military or naval service of the United States: consideration is had also to the physical ability of the candidate. Whenever any student thus selected has been, from any cause, removed from the university before the expiration of the time for which he was selected, then one of the competitors for his place in the university, from his district, may be elected to succeed him therein, as the school commissioner or commissioners of the county of his residence, or the board of education of the city of his residence, may direct.

The founders and benefactors of any academy, or as many of them as have contributed more than one-half of the property collected for the use thereof, may make to the regents an application in writing under their hands, requesting that such academy may be incorporated, nominating the first trustees and specifying the name by which the corporation is to be called. Should the regents approve, they declare, by an instrument under their common seal, their approbation; and the request and instrument of approbation are recorded in the office of the secretary of state. Immediately thereupon, the property and funds of the academy are vested in the trustees so nominated, for the use and benefit of the academy. An academy or high school for literary, scientific, charitable, or religious purposes may lawfully issue, create, and possess a capital stock not exceeding $10,000, which is deemed personal property, and is issued in shares of not less than $10 each; and in the election of trustees of any such corporation, each stockholder has one vote upon each share of stock then actually owned by him. Whenever any such corporation, formed for the purpose of establishing an academy

or high school, has erected a building for school purposes of the value of $2000, and has in all other respects complied with the conditions provided by law to authorise the regents to incorporate academies, such incorporation is declared an academy by the regents, and enjoys all the rights and privileges conferred by law on the academies of this state. The trustees of every such academy are a corporation by the name expressed in the instrument of approbation, and shall not be more than twenty-four nor less than twelve; and seven form a quorum for the transaction of business. Their general powers and privileges are—

1. To adjourn from time to time, as they may deem expedient.

2. To elect by ballot their president, who holds his office for one year, and until another is chosen in his place.

3. Upon the death, resignation, refusal to act, removal out of this state, or other vacancy in the office of any trustee, to elect another trustee by a majority of the votes of the trustees present.

4. To take and hold, by gift, grant, or devise, any real or personal property, the clear yearly income or revenue of which shall not exceed the value of $4000.

5. To sell, mortgage, let, or otherwise use and dispose of such property for the benefit of the academy.

6. To direct and prescribe the course of discipline and study in the academy.

7. To appoint a treasurer, clerk, principal, masters, tutors, and other necessary officers of the academy, who, unless employed under a special contract, hold their offices during the pleasure of the trustees.

8. To ascertain and fix the salaries of all the officers of the academy.

9. To remove or suspend from office any officer employed under a special contract, upon a complaint in writing by a trustee of the misbehaviour in office, incapacity, or immoral conduct of such officer, and upon examination and due proof of the truth of such complaint; and to appoint another in his or her place.

10. To make all ordinances and by-laws necessary and proper to carry into effect the preceding powers.

The trustees meet upon their own adjournment, and as often as summoned by their president or the senior trustee actually exercising his office, and residing within three miles of such academy, upon the request in writing of any other three trustees —such requested meeting being held not less than five nor more than twelve days from the time of the request. Previous notice in writing of every such meeting is affixed on the door of the academy within two days after its appointment. The president or senior trustee present presides. Seniority is according to the order of nomination in the written application to the regents; and, after the first trustees become extinct, according to priority of election. If a trustee refuses or neglects to attend any two successive legal meetings of the trustees, after having been personally notified to attend, and if no satisfactory cause of his non-attendance be shown, the trustees may declare his office vacant. A trustee refusing or neglecting for one year to attend the legal meetings of the board of trustees, his non-attendance is deemed a resignation. The trustees at their annual meeting may reduce the number of the original board, where it exceeds twelve, to any number not less than twelve, by abolishing the offices of those who omit to attend such meeting, and have omitted to attend two other legal meetings after notice. Where a vacancy happens in the office of a trustee, and is not filled by the elec-

tion of another trustee within six months thereafter, the office of trustee so becoming vacant is abolished, where the number of trustees exceeds twelve. Every academy or institution of learning subject to the visitation of the regents, has to declare on its minutes the termination of the academic year, which must be between the 20th June and the 15th September in each year. The annual report for such academic year is made up and transmitted to the regents before 1st October, and the regents have to present their annual report to the legislature within ten days before the opening of the session in each year.

No religious qualification or test is required from any trustee, president, principal, or other officer of any incorporated college or academy, or as a condition for admission to any privilege in the same. No professor or tutor of any incorporated academy shall be a trustee of such academy; and no president, professor, or tutor of any incorporated college, or principal of any incorporated academy, has a vote in any case relating to his own salary or emoluments; and no such president, principal, or other officer shall be a regent of the university. No trustee of a college or academy shall act as a regent or *vice versa;* if appointed, he has to elect in which office he will serve, and give notice of such election to the authority by which he is appointed within sixty days from the time of his appointment, otherwise such appointment is void. Every college and academy subject to the visitation of the regents makes such returns and reports to the regents in relation to the state and disposition of its property and funds, the number and ages of its pupils, and its system of instruction and discipline, as the regents from time to time require.

The regents of the university can at any time, by an instrument under their common seal, recorded in the office of the secretary of state, incorporate any university or college, or any academy or other institution of learning, under such name, with such number of trustees or other managers, and with such powers and privileges, and subject to such limitations and restrictions in all respects, as may be prescribed by law, or as the said regents may deem proper in conformity thereto; and every institution so incorporated, in addition to the powers thus vested in it, has the general powers of such a corporation. At any time the regents may, on sufficient cause shown, and by an instrument under their common seal, recorded as aforesaid, alter, amend, or repeal the charter of any college, university, academy, or other institution of learning incorporated by them, and may, on the petition of any college, academy, or other institution of learning in this state subject to their visitation, alter or modify the charter, and the rights, powers, and privileges of such institution, in such manner, and on such terms and conditions, as they may deem proper. The trustees of any academy having a capital of $10,000, as already specified, may, by their by-laws, prescribe the mode and manner of electing trustees of such academy, and make all necessary rules and regulations relative to such election, and arrange that one-third of the trustees be elected annually. The term of office of such trustees is three years, and six trustees form a quorum. They may fill vacancies by death, resignation, removal from the state, or otherwise. The capital stock of any such academy shall not exceed $50,000 (laws of 1853, chap. 184).

Any citizens, not less than ten in number, of whom a majority are inhabitants of the state, who desire to

found and endow a medical or surgical college or school within the state, may make, sign, and acknowledge, before some officer authorised to take the acknowledgment of deeds, a certificate in writing, in which are stated the corporate name of the proposed institution, the names of the persons proposed for first trustees, the plan on which, and the funds with which, it is intended to found and provide for said institution, and the name of the town or city in which it is proposed to locate the same; and file such certificate in the office of the secretary of state, and transmit a duplicate thereof to the presiding officer of the regents of the University of the State of New York. If these regents are satisfied that $50,000 have been *bona fide* subscribed for the endowment of such institution, and two-thirds thereof, at least, have actually been paid in, &c., to be invested in buildings and site for college, museum, library, apparatus, and other needful appurtenances of a medical college, they shall, by act under their seal, grant a charter, pursuant to the provisions of this Act, for the incorporation of such college for a term of five years, with a condition or proviso therein, that if, within these five years, the trustees of said college present to the regents satisfactory evidence that there has been paid in and invested as prescribed the whole $50,000, the charter shall be made perpetual. Upon the fulfilment of this condition, or upon the payment in the first instance of $50,000, the regents grant the college a perpetual charter. Such college may hold real and personal property to the amount of $200,000; but the funds and property must be used for the legitimate business of the institution, in the promotion of medical and surgical science, and instruction in all departments of learning connected therewith. The college is subject to the general provisions of law, so far as applicable, regulating the practice of physic and surgery within the state. It is subject to the visitation of the regents of the university, and makes an annual report to them, on oath, of the condition of the college and the various matters required by law to be reported by other colleges and academies, and of the investment of its funds; and if at any time it appears that the sum required to be paid in has not been invested in the manner prescribed, the regents are empowered to vacate and annul its charter.

The trustees for the time being of every college incorporated pursuant to this Act can grant and confer the degree of doctor of medicine upon the recommendation of the board of professors of said college, and of at least three curators of the medical profession appointed by said trustees. But no person shall receive a diploma conferring such degree unless he be of good moral character and of the age of twenty-one years; and shall have received a good English education; and shall have pursued the study of medicine, and the sciences connected therewith, for at least three years after the age of sixteen years; and have received instruction from some physician and surgeon, fully qualified to practise his profession, until he is qualified to enter a medical college; and (except as thereafter provided) shall also, after that age, have attended two complete courses of lectures delivered in some incorporated medical college. The board of trustees of every such college shall, upon payment of matriculation and demonstrators' fees (which shall not exceed the sum of $5 each), admit to its course of instruction, without further charge, any number of young persons of the State of New York (not exceeding ten at any one time), of good scholarship and moral char-

acter, who are in indigent circumstances. The evidence of qualification is a certificate from the judge of the county in which the applicant resides. (Laws of 1853, chap. 184.)

The founders and benefactors of any school established on the system of Lancaster or Bell or any other system of instruction approved by the board of regents, or as many of such founders as have contributed more than one-half of the property collected or appropriated for the use of the school, may make to the regents an application in writing, requesting that such school may be incorporated, nominating the first trustees, and specifying the name by which the corporation is to be called. If they approve, the regents, by an instrument under their common seal, declare their approbation of the incorporation of the trustees of the school by the name specified in the application. The request and instrument of approbation are recorded in the office of the clerk of the county in which the school is established. Besides the general powers and privileges of a corporation, the trustees have special powers much the same as those of trustees of an academy. The clear yearly income or revenue of the real and personal property shall not exceed $4000. The trustees of any one or more common school districts in any city, town, or village of this state, within which any Lancasterian or other select school is established, with the consent of a majority of the taxable inhabitants of such districts, expressed at a meeting called for that purpose, may agree with the trustees of such incorporated school to make the same a district school; and during the continuance of such agreement it becomes a common school, and is entitled to all the benefits and privileges and subject to all the regulations of other district schools. Every school incorporated as described is subject to the control and visitation of the regents; and makes such returns and reports in relation to the state and disposition of its property and funds, the number and age of its pupils, and its system of instruction and discipline, as the regents from time to time require.

Besides the state normal schools, there are various local normal and training schools supported by taxation and under the control of the public authorities. These are established by special local Acts.

In 1844 an Act was passed directing the treasurer to pay, on the warrant of the comptroller, to the order of the superintendent of common schools, from that portion of the avails of the literature fund which had been appropriated in 1834 to the support of academical departments for the instruction of teachers of common schools, the sum of $9600, to be expended, under the direction of said superintendent and the regents of the university, in the establishment and support of a normal school for the instruction and practice of teachers of common schools in the science of education, and in the art of teaching, to be located in the county of Albany. $10,000 was also to be likewise paid annually thereafter from the revenue of the literature fund for the maintenance and support of the school so established. This school was put under the supervision, management, and government of the superintendent and regents, who were to make all needful rules and regulations, to fix the number and compensation of teachers and others employed therein, to prescribe the preliminary examination, and the terms and conditions on which pupils should be received and instructed therein, the number of

pupils from the respective cities and counties conforming as nearly as might be to the ratio of the population, to fix the location of the school and the terms and conditions on which the grounds and buildings therefor should be rented should the corporation of the city of Albany not provide the same, and to provide in all things for the good government and management of the school. They should appoint a board consisting of five persons, including the superintendent, who should constitute an executive committee for the care, management, and government of the school, and should from time to time make full and detailed reports to the superintendent and regents, and, among other things, recommend the rules and regulations which they deemed necessary and proper for the school. The superintendent and regents should annually transmit to the legislature a full account of their proceedings and expenditures of said moneys, together with a detailed report by the executive committee of the progress, condition, and prospects of the school.

In 1848 the treasurer was directed to pay, to the order of the superintendent, from the general fund, a sum not exceeding $15,000, to be expended in the erection of suitable buildings for the accommodation of the state normal school, upon ground owned by the state lying in the rear of the geological rooms.

In 1850 it was directed that the treasurer should pay, to the order of the superintendent of common schools, from the general fund a sum not exceeding $1000 per year, for the support and education of the Indian youth in the state normal school. The selection of such youth should be made by the said superintendent from the several Indian tribes located within the state, due regard being had to a just participation in the privileges by each of the several tribes, and, if practicable, also to the population of each tribe in determining such selection. Such youth should not be under sixteen years of age, nor should any of them be supported or educated at the normal school longer than three years. The executive committee of the state normal school (five persons, including the superintendent as stated) should be the guardians of the Indian youth during the period of their connection with the school, and pay their necessary expenses, not to exceed $100 per year for each pupil, to be defrayed out of said $1000; and these Indian pupils should enjoy the same privileges of every kind as the other pupils attending the school, including the payment of travelling expenses, not exceeding $10 to each pupil.

In 1866 the governor, lieutenant-governor, secretary of state, comptroller, state treasurer, attorney-general, and the superintendent of public instruction, were appointed a commission to receive proposals, in writing, in regard to the establishment of normal and training schools for the education and discipline of teachers for the common schools of the state, from the board of supervisors of any county in the state, from the corporate authority of any city or village, from the board of trustees of any college or academy, and from one or more individuals. These proposals should contain specifications for the purchase of lands and the erection thereon of suitable buildings for such schools, or for the appropriation of land and buildings to such use, and also for the furnishing with furniture, apparatus, books, and everything necessary for support and management. Should any such proposals be accepted, said board or corporate authorities should have power to raise by tax and expend the money necessary to carry

the same into effect; and, if deemed expedient, to borrow money for such purpose for any time not exceeding ten years, and issue corporate bonds of said county, city, or village therefor. The powers of the commission were to cease when the schools were ready for opening in accordance with the proposals accepted, and this had been certified in writing; and thereupon the superintendent of public instruction was to appoint a local board, consisting of not less than three persons, to respectively hold their offices until removed by the concurrent action of the chancellor of the university and the said superintendent, who should have the immediate supervision and management of such school, subject however to his general supervision, and to his direction, in all things pertaining to the school. This local board has power to appoint one of their number chairman, and another secretary of the board. Two-thirds of each board forms a quorum for the transaction of business, and in the absence of any officer of the board, another member may be appointed *ad interim* to fill his place, and perform his duties. This board makes and establishes, and from time to time alters and amends, subject to the approval of the said superintendent, such rules and regulations for the government of such schools under their charge respectively as they deem best. They also severally transmit, through the superintendent, and subject to his approval, a report to the legislature on the first day of January in each year, showing the condition of the school under their charge during the year next preceding, &c., and specially including an account in detail of their receipts and expenditures, duly verified by the oath or affirmation of their chairman and secretary. The local board, subject to the approval of the superintendent, prescribes the course of study to be pursued in each of said schools; and the superintendent determines what number of teachers shall be employed in each school, and their wages, whose employment shall also be subject to his approval. He orders, in his discretion, that one or more of said schools shall be composed exclusively of males and one or more of females; decides upon the number of pupils to be admitted to each school; and prescribes the time and manner of their selection; but he takes care in such selection that every part of the state has its proportionate representation in such school as near as may be according to population; but if any school commissioner district or any city is not, for any cause, fully represented in either of said schools, then the superintendent may cause the maximum number of such pupils to be supplied from any part of the state, giving preference however to those living in the county, city, or village where such school is situated. All applicants are subject, before admission, to a preliminary examination before such of the teachers of the school as are designated by the local board for that purpose, and those who pass such examination are admitted to all the privileges of the school, free from all charge for tuition, or for the use of books or apparatus, but every pupil pays for books lost by him, and for any damage of books in his possession. Any pupil may be dismissed from the school by the local board for immoral or disorderly conduct, or for neglect or inability to perform his duties. The superintendent of public instruction prepares suitable diplomas, to be granted to the students who have completed one or more of the courses of study and discipline prescribed; and a diploma signed by him, the chairman and secretary of the local

board, and the principal of the school, is of itself a certificate of qualification to teach common schools ; but such diploma may be annulled for the immoral conduct of its holder. $12,000 are annually appropriated for the support of each of the normal and training schools so organised, payable out of the income of the common school fund, to be paid by the treasurer, on the warrant of the comptroller upon the certificate of the superintendent of public instruction affixed to the proper accounts, verified by the oath or affirmation of the local board of each school ; but no such money shall be paid for the purchase of any ground, site, or buildings. Local boards shall not consist of more than thirteen members.

The local boards of managers of the respective normal schools have the custody, keeping, and management of the grounds and buildings provided or used for the purposes of such schools respectively, and other property of the state pertaining thereto. Wilful trespass in or upon, or wilful injury to, any of the said property, is a misdemeanour punishable by fine and imprisonment, or either. For the purpose of protecting and preserving such buildings and other property, and preventing injuries thereto, and preserving order, preventing disturbances, and preserving the peace in the buildings and upon the grounds, the local boards of managers of each normal school have power, by resolution or otherwise, to appoint from time to time one or more special policemen, and to remove the same at pleasure, who are public officers, with the same powers as constables of the town or city where such school is located, whose duty it is to preserve order, protect the property, arrest any and all persons making any loud or unusual noise, causing any disturbance, committing any breach of the peace or misdemeanour, or any wilful trespass, and convey any persons so arrested, with a statement of the cause of the arrest, before a proper magistrate, to be dealt with according to law.

An Act passed in 1853 directed the treasurer to pay yearly, out of the income of the United States deposit or literature funds not otherwise appropriated, to the trustees of one or more academies in each county, as the regents of the university should designate, the sum of $10 for each scholar, not to exceed twenty - five scholars to each academy, who should have been in such academy instructed, under a course prescribed by the regents, during at least one-third of the academic year, in the science of common-school teaching. This Act was amended in 1855, and the treasurer was directed to pay out of said unappropriated income the sum of $18,000 yearly for instruction in academies in the science of common-school teaching, under a course of study prescribed by the regents of the university, to be paid thus: to the trustees of all academies selected for that purpose by the regents in the state, the sum of $10 for each scholar, not to exceed twenty scholars to each academy, who should have been in such academy instructed, as above described ; and a sum not exceeding $3000, portion of the $18,000, for instruction in such academies in physiology and the laws of health, and such other special subjects as the said regents should deem necessary, to be taught on a uniform system in all the academies so selected as aforesaid by a teacher or teachers, on the certificate of the regents that the said uniform course of instruction has been given by such teachers, under their directions, in conformity with said provisions.

In 1877 the treasurer was directed to pay yearly, out of the not other-

wise appropriated income of the United States deposit fund, $35,000, to be applied thus: $30,000 for the instruction in academies and union schools in the science and practice of common-school teaching, under a course prescribed by the regents of the university; and $5000 to the regents for establishing and conducting examinations as to attainments in learning, under the direction of the regents. The academies and union schools are designated by the regents, and are distributed among the counties as nearly as well may be, having reference to the number of school districts in each, to location, and to the character of the institutions selected. Every academy and union school so designated shall instruct a class of not less than ten nor more than twenty-five scholars; and every scholar admitted to such class continues under instruction not less than ten weeks in one school term. The regents prescribe the conditions of admission to the classes, the course of instruction, and the rules and regulations under which said instruction is given, and, in their discretion, determine the number of classes which may be formed in any one year in any academy or union school, and the length of time, exceeding ten weeks, during which such instruction may be given—all to be in the same school term. Instruction is free to such admitted scholars who have continued in such classes the said length of time required. The trustees of all the academies and union schools in which such instruction is given, are paid from the said appropriation at the rate of $1 for each week's instruction of each pupil, on the certificate of the regents, furnished to the comptroller. The regents establish in the academies and academic departments of union schools, subject to their visitation, examinations in such branches of study as are commonly taught in the same, and determine the rules and regulations in accordance with which they are conducted. The examinations are prescribed in such studies, and are arranged in such a manner as in the judgment of the regents will furnish a suitable standard of graduation from said academies and academic departments of union schools and of admission to the several colleges; and the regents confer such honorary certificates or diplomas as they deem expedient upon those pupils who satisfactorily pass these examinations. The regents can establish examinations as to attainments in learning of any persons applying for admission to the same, prescribe rules and regulations for the admission of candidates to said examinations, and for conducting them, and confer and award such degrees, honorary testimonials, or diplomas, to persons who satisfactorily pass such examinations, as the regents may deem expedient. They audit and certify to the comptroller all accounts for the expenses of establishing and conducting such examinations, and all contingent expenses attending the same, and the amounts thereof are paid from the said $35,000, which sum is made up of $17,000 added to the $18,000 appropriated by the general appropriation Act of 1877.

THE NEW YORK AGRICULTURAL EXPERIMENT STATION.

The New York Agricultural Experiment Station was established as an institution by chap. 502, laws of 1880, for the purpose of promoting agriculture in its various branches by scientific investigation and experiment. The management is committed to a board of nine trustees,

known as the board of control of the state experiment station. The governor is a trustee *ex officio*, and six trustees form a quorum. The board of control has the general management of the station, and appoints a director to have the general oversight and management of the experiments and investigations which are necessary to accomplish the objects of the institution, and may employ competent and suitable chemists and other persons necessary to the carrying on of the work of the station. It may acquire, by lease or otherwise, such real estate as may, in its judgment, be necessary for carrying on the work; and has the direction of the expenditure of all moneys appropriated to the institution for the purposes aforesaid, or otherwise received; and annually makes a full report to the legislature of its proceedings, receipts, and expenditures. All property acquired belongs to the state, and is disposed of, and used, only as authorised by law.

AGRICULTURAL SOCIETIES.

Any ten or more persons of full age, citizens of the United States, and a majority of them citizens of this state, who desire to form a county or town agricultural society in any county, town, city, or village in the state, may do so by taking the usual steps for forming an incorporation. There can be but one county society in any one county, and but one society in any one town; but any two or three or four towns may join and organise a society for the same; but such organisation does not prohibit the organisation of any town society for either one of such towns. The presidents of the several county societies, or a delegate chosen by them annually for the purpose, are *ex officio* members of the New York State Agricultural Society. It is the duty of this state society, and the several county societies, and the American Institute in the city of New York, annually to regulate and award premiums on such articles, productions, and improvements as they deem best calculated to promote the agricultural and household manufacturing interests of the state, having especial reference to the net profits which accrue, or are likely to accrue, from the mode of raising the crop or stock, or the fabrication of the article offered, with the intention that the reward shall be given for the most economical or profitable mode of competition; provided always that before any premium shall be delivered, the person claiming the same, or to whom the same may be awarded, shall deliver in writing to the president of the society as accurate a description of the process in preparing the soil, including the quantity and quality of the manure applied, in raising the crop, and the kind and quantity of food in feeding the animal, as may be; and also of the expense and product of the crop, or of increase in the value of the animal, with the view of showing accurately the profit of cultivating the crop or feeding or fattening the animal. The presidents of the State Agricultural Society and of the American Institute, and the presidents of the several county societies, who receive or expend any moneys appropriated by the state, annually, on or before the first February, transmit to the comptroller a detailed account of the expenditure of all such moneys, and also the vouchers; and the presidents of the several county societies, and of the American Institute, annually trans-

mit, on or before the first of March, to the executive committee of the New York State Agricultural Society, all such reports or returns as they are required to demand and receive from applicants for premiums, together with an abstract of their proceedings during the year. This executive committee examines all these reports and returns, and condenses, arranges, and reports the same, together with a statement of its own proceedings, to the secretary of state in the month of January in each year.

SUPPORT OF THE POOR.

Every poor person who is blind, lame, old, sick, impotent, or decrepit, or in any other way disabled or enfeebled so as to be unable by his work to maintain himself, is maintained by the county or town in which he may be, according to the provisions of law. The board of supervisors in any county, at any annual meeting of such board, can direct by resolution that thereafter only one county superintendent of the poor shall be elected in and for such county to hold office for three years; but in all counties where no such resolution has been passed, three county superintendents of the poor are elected at the general election, it being so arranged that one superintendent be elected annually. The board of supervisors can also, at any annual meeting, revoke a resolution that there shall be only one county superintendent. Superintendents and overseers can administer oaths. These superintendents form a corporation by the name of the superintendents of the poor of the county for which they are appointed, and possess the usual powers of a corporation for public purposes. They have a general superintendence and care of the county poor who may be in their respective counties, and have power—

1. To provide suitable places for the keeping of such poor, when so directed by the supervisors of any county, where there are not already houses for that purpose erected by the county, to rent tenements and land not exceeding fifty acres, and to cause the poor to be maintained in such places.

2. To establish and ordain prudential rules, regulations, and by-laws for the government and good order of such places, and of the county poorhouses, and for the employment, relief, management, and government of the persons placed therein, which rules, &c., must be sanctioned by a majority of the judges of the county court in writing.

3. To employ keepers thereof, and all necessary officers and servants, and to vest in them necessary powers, reserving to the paupers the right of appeal to the superintendents. In each county where there is more than one superintendent of the poor, and where there is a poorhouse, the superintendents appoint a keeper and physician therefor.

4. In counties where a poorhouse is erected, or other place provided, to purchase furniture, implements, and materials necessary for the maintenance of the poor therein, and their employment in labour or manufactures, and to sell and dispose of the proceeds of such labour.

5. To prescribe allowances for the bringing of paupers to the county poorhouse, &c., subject to such alterations as the board of supervisors may by a general resolution make.

6. To authorise keepers to certify the amount due to any person for bringing such paupers, the amount to be paid by the county treasurer

on the production of such certificate, countersigned and allowed by any two superintendents.

7. To decide any dispute arising concerning the settlement of any poor person summarily upon a hearing of the parties, and for that purpose to issue subpœnas to compel the attendance of witnesses, and to administer oaths to them, in the same manner, with the like power to enforce such process, as is given to justices of the peace in any matter cognisable by them, their decisions to be filed in the office of the county clerk within thirty days after they are made, and to be conclusive and final upon all parties interested.

8. To direct the commencement of suits by any overseers of the poor who are entitled to prosecute for the penalties, or upon any recognisances, bonds, or securities taken for the indemnity of any town or of the county; and in case of the neglect of any such overseer, to commence and conduct such suits, without the authority of the overseers, in their names.

9. To draw from time to time on the county treasurer for all necessary expenses incurred in the discharge of their duties, the drafts to be paid out of moneys placed in his hands for the support of the poor.

10. To render to the board of supervisors of their county at their annual meeting an account of all moneys received and expended by them or under their direction, and of all their proceedings.

11. To pay over all moneys remaining in their hands, within fifteen days after the expiration of their office, to the county treasurer or to their successors.

Where a county poorhouse is not already erected, the board of supervisors may, at any annual or special meeting, determine to erect one; and, upon filing such determination with the clerk of the county, may direct the superintendents of the poor to purchase one or more tracts of land, not exceeding 200 acres, and to erect thereon one or more suitable buildings. To defray the expenses, the board may raise by tax on the real and personal estate of the inhabitants of the same county a sum not exceeding $7000, by such instalments and at such times as they judge expedient, to be raised, &c., as other county charges, and paid by the county treasurer to the superintendents of the poor of the county. In those counties where the supervisors determine to abolish the distinction between town poor and county poor, and to have all the poor a county charge, it is the duty of the clerk of the board of supervisors immediately to serve notice of such determination to the overseers of the poor in every town in the county. Within three months after the service of such notice, the overseers of every town pay over all moneys which remain in their hands, after discharging all demands against them as such overseers, to the county treasurer, to be applied by him towards the future taxes of such towns. In those counties in which the distinction between county poor and town poor prevails, the excise money collected in any town, and all penalties given by law to the overseers of the poor, when received, are applied to the use of the poor in the town in which such money and penalties are collected. Under the revised laws of the State of New York, all costs and charges attending the examinations, conveyance, support, and necessary expenses of paupers within certain counties respectively, are a charge upon the said counties, without reference to the number or expense of paupers which may be sent to the poorhouse of said counties from or by any of the towns therein. These

charges and expenses are reported by the superintendents of the counties to the boards of supervisors therein respectively, and are assessed, &c., in the counties in the same manner as other county charges. The board of supervisors of any county, at any annual meeting, or at any special meeting called for that purpose, may determine to abolish all distinction between county poor and town poor, and to have the expense of maintaining all the poor a county charge; and upon their filing such determination, duly certified by the clerk of the board, with the county clerk, the said poor are maintained, and the expense thereof defrayed, in the manner just stated. The clerk of the board serves a copy of such resolution upon the clerk of each town, village, or city within the county, after which it becomes the duty of the commissioners of excise in the several towns, and of the officers of every city and village, to pay over to the treasurer of the county all moneys which are thereafter received for licences to tavern-keepers, retailers, or grocers, and all moneys recovered as penalties for violating the excise laws, or any other laws, and which are directed to be paid to the overseers of the poor. In all counties where said distinction is not abolished, the poor having a settlement in any town are supported at the expense of such town, and the poor not having such settlement are supported by the county in which they may be.

Every person of full age who is a resident and inhabitant of any town for one year, and the members of his family who have not gained a separate settlement, are deemed settled in such town. A minor may be emancipated from his, or her, father, and gain a settlement—

1. If a female, by being married and living for one year with her husband, in which case the husband's settlement determines that of the wife.

2. If a male, by being married and residing for one year separately from the family of his father.

3. By being bound as an apprentice, and serving one year by virtue of such indenture.

4. By being hired and actually serving for one year for wages to be paid to such minor.

A woman of full age by marrying acquires the settlement of her husband, if he has any; and until a poor person has gained a settlement in his own right, his settlement is deemed that of his father or mother; but no child, born in any place used and occupied as a residence for the poor of any town, city, or county, gains any settlement merely by reason of the place of such birth; nor does any child born while the mother is a county pauper gain any settlement by reason of the place of its birth.

No residence of a pauper in the county poorhouse, &c., or in any town, while supported at the expense of any other town or county, operates to give a settlement. No person shall be removed as a pauper from any city or town to any other city or town of the same or any other county, nor from any county to any other county; but every poor person shall be supported in the town or county where he may be, thus—

1. In the town where he has gained a settlement.

2. If he has not gained a settlement in the county in which he has become poor, sick, or infirm, he is supported and relieved by the superintendents of the poor at the expense of the county.

3. If such person be in a county where the distinction between town and city poor is abolished, he is, in like manner, supported at the expense of the county; and in both the

above cases proceedings for relief are had as follows:—

4. If such pauper be in a county where the respective towns are liable to support their poor, and has gained a settlement in some other town of the same county than that in which he may then be, he is supported at the expense of the town where he may be; and the overseers give notice in writing to the overseers of the town to which he belongs, or to one of them, requiring them to provide for the relief and support of such pauper.

Should these overseers not, within ten days after such service, contest such alleged settlement in the terms prescribed, they, their successors, and the town which they represent, are for ever precluded from contesting or denying such settlement. They may, within the period, give return notice in writing that they will appear before the county superintendents at a specified place and time, not sooner than ten nor more than thirty days from the time of service of such notice, to contest the said alleged settlement. The county superintendents hear and determine the controversy, and may award costs not exceeding $10 to the prevailing party; and their decision is final and conclusive. If the overseers of the poor of the town where the true settlement is do not remove the pauper, the charge of giving notice, &c., and expenses of maintaining him, are laid before the board of supervisors at their annual meetings from year to year, and the supervisors annually add the amount and interest to the tax to be laid upon the town to which the pauper belongs, and it is collected as other contingent charges of such town. The support of any pauper is not charged to the county without the sanction of the superintendents, whose duty it is to see that the county is not imposed upon, where the pauper has a legal settlement. The overseers of a town, when notified by the superintendents that the pauper belongs to it, can require the superintendents to re-examine the matter and take testimony, but the decision of the superintendents is final and conclusive. Where there is no county poorhouse, &c., the overseers of the poor of the town where a county poor person is, notify one of the superintendents, who inquires into the circumstances, and, if satisfied that such pauper has not gained a legal settlement in any town in the county, gives a certificate to the effect that the pauper is chargeable to the county. Every such case is reported by the superintendent, and the board of superintendents may, at their next meeting, affirm such certificate or annul it, or give due notice to the overseers of the poor of the town interested, and after hearing the allegations and proof in the premises. If the superintendent neglects or refuses to give the said certificate, the overseers may apply to the board of county superintendents, who summarily hear and determine the matter, and whose decision is conclusive.

Any overseer of the poor to whom any person applies for relief inquires into the state and circumstances of the applicant; and if it appears he is in such indigent circumstances as to require permanent relief and support, and can be safely removed, the overseers, by a written order, cause him to be removed to the county poorhouse, &c.; or if the county is one where the respective towns are required to support their own poor, the overseers designate whether the pauper be chargeable to the county or not; and if no such designation is made, the pauper is deemed to belong to the town whose overseers made such order. Such paupers are relieved

until it appears they are able to work and maintain themselves, when the superintendents may, in their discretion, discharge them. When only temporary relief is required, or the pauper cannot be conveniently removed, the overseers apply to a justice of the peace of the same town, who examines into the facts and circumstances, and, in writing, orders such sum to be expended for temporary relief as the circumstances of the case require. This order entitles the overseer to receive any sum he may have paid out, or contracted to pay, within the specified sum, from the county treasurer, to be charged to the county or town, as the case may be. $10 is the greatest sum to be expended or paid for the relief of any one poor person, or one family, without the sanction, in writing, of one of the superintendents of the poor of the county, which shall be presented to the county treasurer with the order of the justice. If application for relief is made in any county where there is no county poorhouse, &c., the overseers, with the assistance of some justice of the peace of the same town, inquire into the facts and circumstances of the case, and make an order, in writing, for such allowance, weekly or otherwise, as the said justice and one of the overseers think required by the necessities of the poor person. Whenever the county superintendents take charge of the support of any county pauper in those counties where no poorhouse is provided, they may authorise the overseers of the poor of the town in which the pauper may be to continue to support him, and thereafter no moneys are paid for the support without the order of the superintendents; or the superintendents may remove such pauper to any other town and there provide for his support. Where the respective towns support their own poor, the county treasurer opens and keeps an account with each town, in which the town is credited with all moneys received from it, or from its officers, and is charged with the moneys paid for the support of the poor chargeable to such town. And if there is a county poorhouse, &c., the superintendents furnish to the county treasurer a statement of the sums charged to the several towns for the support of their poor, which are charged to such towns respectively by the county treasurer in his accounts. In those counties where there are a poorhouse, &c., and in which the several towns are liable for the support of their poor respectively, it is the duty of the superintendents annually, and during the week preceding the annual meeting of the board of supervisors, to make out a statement of all the expenses incurred by them in the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying such expenses; and they shall apportion such deficiency among the several towns, in proportion to the number and expenses of the paupers belonging to such towns respectively who have been provided for by the superintendents, and shall charge these towns with the said respective proportions. This statement is delivered by them to the county treasurer. At the annual meeting of the board of supervisors, the county treasurer lays before them the account so kept by him, and any balance against any town is added by the board to the amount of taxes, to be levied and collected upon such town with the other contingent expenses thereof, together with such a sum for interest as will reimburse and satisfy any advances that may be made, or may have been made, from the county treasury. The superintendents of the poor annually present to the board of supervisors at their annual

meeting an estimate of the sum which, in their opinion, will be necessary during the ensuing year for the support of the county poor; and the supervisors cause such sum as they may deem necessary for that purpose to be assessed, &c., and paid to the county treasurer, to be kept by him as a separate fund distinct from the other funds of the county. The board of town auditors audits the books and accounts of the overseers of the poor. Where the towns support their poor, the town-clerk exhibits at the annual town meeting the accounts for the support of the poor therein during the preceding year, as the same have been audited, and these accounts are openly and distinctly read. The overseers also present an estimate of the sum which they deem necessary to supply any deficiency of the preceding year, and to provide for the support of the poor for the ensuing year. Thereupon the inhabitants, by a vote of a majority of the persons qualified to choose town officers, determine the sum to be assessed, &c. In the cities of Albany, Hudson, Troy, Schenectady, and Oswego, the overseers of the poor lay their books before, and render their accounts to, the common councils thereof respectively; and the common councils of such of these cities as are liable for the support of their own poor determine yearly the sum to be raised therein respectively for the support of the poor for the ensuing year, a certified copy of which is laid before the board of supervisors of the county, who cause the same to be assessed, &c.

The accounts of overseers of the poor and of justices of the peace for any personal or official services rendered by them in relation to the poor are audited and settled by the board of supervisors, and paid by the county treasurer; and if the services were rendered in behalf of any town liable to support its own poor, charged to such town. In auditing the accounts of the overseers of the poor by the board of town auditors, allowance is made to them for all costs to which they may have been subjected, or which have been recovered against them in any suit brought by them pursuant to law; and they are also allowed the same daily pay for attending to any such suit as is allowed them for the performance of their official duties. Such allowances may be credited to them in their accounts for moneys collected for penalties, and may be deducted from such moneys, and the balance paid to their successors in office or to the county treasurer, as directed by law in respect to such penalties. These penalties are for the benefit of the poor, and are credited to the town by whose officers they have been collected, if such town is liable for the support of its own poor, or to the county when collected by the county superintendents. Every poorhouse, almshouse, or other place provided by any city, town, or county for the reception and support of the poor, and all real and personal property whatever belonging to or connected with the same, is exempt from all assessment and taxation levied either by the state, or by any county, city, town, or village; and the keeper of every such poorhouse, almshouse, or other place is exempt from all service in the militia, from serving on juries, and from all assessments for labour on the highways. In those counties where county poorhouses may be established, the superintendents may provide for the support of paupers that may be idiots or lunatics out of such poorhouse, in such manner as best promotes the interests of the county and conduces to the comfort and recovery of such paupers.

Whenever any town has any moneys raised for the support of the poor invested in the name of the overseers

of the poor of such town, these overseers continue to have the control thereof, and apply the interest arising therefrom to the support of the poor of their town, so long as such town is liable to support its own poor; and if the town ceases to support its poor by a vote of the supervisors of the county, the moneys so raised and invested are applied to the payment of such taxes upon the town as the inhabitants thereof, at an annual town meeting, determine.

It is the duty of the superintendents of the poor of every county, during the month of December in each year, to report to the secretary of state, in such form as he directs, the number of paupers that have been relieved or supported in such county in the preceding year, distinguishing the number of county paupers from the number of town paupers, if any; the sex and native country of every pauper, together with a statement of the causes, either direct or indirect, which have operated to render such person a pauper, so far as the same can be ascertained, and also such other items as to character and condition of the paupers as the secretary of state directs; the whole expense of support of paupers, specifying the amount paid for transportation of paupers, and any other items which do not compose any part of the actual expense of maintaining the paupers, and the allowance made to superintendents, overseers, justices, keepers, and officers; the actual value of the labour of the paupers maintained, and the estimated amount saved in the expense of their support, in consequence of their labour. The supervisors of every town in those counties where all the poor are not a county charge have to report to the clerk of the board of supervisors, within fifteen days after the accounts of the overseers of the poor have been settled by the board of town auditors, in each year, an abstract of all such accounts for the preceding year, which exhibits the number of paupers that have been relieved or supported in such town the preceding year, specifying the number of county paupers and of town paupers, the whole expense of such support, the allowance made to overseers, justices, constables, or other officers, and any other items which do not comprise any part of the actual expense of maintaining the paupers. These abstracts are delivered by the said clerk to the county superintendents, to be included by them in their said report. These provisions are applicable to the commissioners of public charities and correction in the city and county of New York, superintendents of almshouses, keepers of poorhouses, and all poor officers elected or appointed in the state under special Acts of the legislature. The commissioners of almshouses and poor officers chosen under special Acts report annually to the superintendents of the poor of their respective counties such statistics as from time to time may be required by the general laws. The superintendents, &c., make annual reports to the secretary of state as to statistics as aforesaid, and the secretary of state annually reports to the legislature the results of the information thus obtained. In counties where there are no poorhouses, or the distinction between town and county poor is revived, they procure from supervisors and overseers the statistics necessary to report annually as stated. The secretary of state annually lays before the legislature, during the first month of its session, an abstract of these returns and reports.

In those counties where there is no county poorhouse or other place provided for the reception of the poor, the money raised and collected in the several towns for the support

of the poor is received and disbursed by the overseers of the poor in such towns respectively. It is the duty of the commissioners of excise of the several towns in those counties where there is no county poorhouse, &c., to pay over to the overseers of the poor in their respective towns all moneys received by them by virtue of their offices. In those counties where no poorhouse, &c., has been provided, and the distinction of town and county poor is not abolished, the commissioners of excise in the several towns pay all moneys received by them by virtue of their offices to the overseers of the poor in their respective towns.

The superintendents of the county poorhouses are required to cause all county and town paupers over the age of five and under sixteen years, who may be in the poorhouses, to be taught and educated in the same manner as children are taught in the common schools, at least one-fourth part of the time they remain in the poorhouse. The expense is paid by the counties and towns in the same manner as other contingent expenses are paid for the support of paupers; and it is not lawful for the trustees of any school district to include in their annual returns the names of any children who are supported at a county poorhouse. Superintendents have power to make such compromises and arrangements with the putative fathers of any bastard children within their jurisdiction, relative to the support of such children, as they deem equitable and just; and thereupon to discharge such putative fathers from all liability for the support of such bastards. It is lawful for the superintendents in counties where there is no orphan asylum, and the overseers of the poor of towns in such counties, to place the children, chargeable to and supported at the expense of such counties or towns, in any incorporated orphan asylum in any county of the state, upon such terms as shall be agreed upon with the managers or trustees of said asylum, at the proper expense of the counties or towns to which they are properly chargeable. The managers of every orphan asylum or other institution authorised to receive and bind out orphan and destitute children, have to provide and keep always open for the inspection of all desiring to examine it, a book in which are registered the names, age, and parentage, as near as the same can be ascertained, of all children committed to their care, or received into such institution, in which book or register are also written the time such child left the institution, and if bound out or otherwise placed out at service or on trial, the name and occupation of the person with whom it is so placed, and his or her place of residence. The managers have no power to bind out any children received as aforesaid. Chapter 140, laws of 1875, enacted that, in addition to a general register of the inmates of the various poorhouses and almshouses of the state, there should be kept in each poorhouse and almshouse a record as to the sex, age, birthplace, birth of parents, education, habits, occupation, condition of ancestors, and family relations, and the cause of dependence of each person at the time of admission, with such other facts and particulars in relation thereto as might be required by the state board of charities, upon forms prescribed and furnished by said board. The keepers, &c., should make and forward copies of records on the first day of each month to the state board of charities. By chap. 173, laws of 1875 (amended), only such children, over three and under sixteen years of age, as are unteachable idiots, epileptic or paralytic, or

otherwise defective, diseased, or deformed, so as to render them unfit for family care, can be committed as vagrant, truant, or disorderly to any county poorhouse; and by chap. 404, laws of 1878 (amended), it is not lawful for any justice of the peace, board of charities, police justice, or other magistrate to commit any child under sixteen years of age as vagrant, truant, or disorderly, to any jail, county poorhouse, or almshouse; but any such child may be committed to some reformatory or other institution as provided for in the case of juvenile delinquents; but in case of any such commitment, the justice of peace, &c., immediately gives notice to the superintendents of the poor, or other authorities of the poor of the county, giving the name and age of the person committed, to what institution, and the time for which committed; nor is it lawful for any county superintendent or overseer, &c., to send any child between two and sixteen years of age as a pauper to any county poorhouse or almshouse for support and care, or to retain any of such age in such poorhouse or almshouse; but children of that age shall be provided for in families, orphan asylums, hospitals, or other appropriate institutions, and when committed to an asylum or reformatory, such child shall, when practicable, be committed to one governed or controlled by persons of the same religious faith as the parents of such child. Superintendents of the poor, &c. (laws of 1881), are directed to cause to be interred the body of any honourably discharged soldier, sailor, or marine who served in the Army or Navy of the United States, and who died without leaving means sufficient to defray the expenses of his funeral. The interment is in the county where he died, or in the adjoining county, if practicable, in a cemetery or plot set apart or used for the burial of soldiers and sailors; but it shall not be made in a cemetery, or in any cemetery or plot, used exclusively for the burial of the pauper dead. The expenses shall not exceed $35, and it is paid by the county wherein he died.

Whenever the father or the mother, being a widow or living separate from her husband, absconds from his or her children, or a husband from his wife, leaving any children, or his wife, chargeable, or likely to become chargeable, upon the public for their support, any real or personal estate of such father or mother or husband is seized by a superintendent of the poor, overseer, board of charities, &c., by warrant of the justice of the peace of the county where such property is situated; and whenever the court of sessions of the county wherein such superintendent, &c., resides has confirmed said warrant, and directed what part shall be sold, and how much, if any, of the proceeds of sale, and of the rents and profits of the real estate, if any, be applied towards the maintenance of the children, or wife, of the person so absconding, then the superintendent, &c., shall apply the said proceeds of sale and the rents and profits (as the case may be), 1st, to the payment of taxes and assessments outstanding, and existing liens upon the real estate, and necessary repairs on the real estate, and premiums for insurance on buildings, and the balance, if any, directly to the maintaining, bringing up, and providing for the wife or children so abandoned, as may be required from time to time. Vouchers are taken for expenditures. The proceeds of sale, &c., are kept separate and distinct by the officers receiving them. Guardians *ad litem* are where necessary appointed for minor children. Superintendents, &c., give security for the faithful performance of their duties, and in such sum as the court may direct,

and they account to the court of sessions for all moneys received, and for the application thereof from time to time, and may be compelled by the court to render such account at any time. Notice of such accounting is given to the wife, or children, as the case may be, and to the guardian, if any.

The state board of charities consists of eight persons, one residing in each judicial district of the state, and one who resides in the county of Kings, and two who reside in the county of New York, appointed by the governor, by and with the consent of the senate, for the term of eight years, except those appointed to fill vacancies; and it is so arranged that one is appointed in each year. Each takes and subscribes the constitutional oath required of other state officers. The commissioners elect as president one of their number, and such other officers and agents as they deem proper, and adopt such by-laws and regulations for the transaction of business and the management of affairs as they consider expedient. The board has an official seal, and a record is kept of the board's proceedings. Six members constitute a quorum. The failure of any commissioner to attend three successive public meetings of the board during any calendar year may be treated by the governor as a resignation, and the vacancy may be filled. The commissioners have full power at all times to inspect the condition of the several institutions which they are authorised to visit, financially or otherwise; to investigate their methods of instruction, and the government and management of their inmates; the official conduct of trustees, directors, and other officers and employees of the same; the condition of the buildings, grounds, and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they have free access to the grounds, buildings, and all books and papers relating to said institutions. The board, or any one or more of the commissioners, whenever they deem it expedient, may visit and inspect any charitable, eleemosynary, correctional, or reformatory institution in the state, excepting prisons, whether receiving state aid or maintained by municipalities or otherwise, and may also visit and inspect any incorporated or private asylums, institutions, homes, or retreats, licensed for the detention, treatment, and care of the insane or persons of unsound mind, and also, at least once in every two years, may visit and examine into the condition of each of the city and county alms or poor houses. Upon notice given by the board, or any three members thereof, to the attorney-general, it is his duty to make inquiry into any matter in regard to the management or affairs of any institution or to any inmate thereof, &c., and to report without delay to the board. The board collects (and, so far as it thinks advantageous, embodies in its annual reports) such information, both in this state and elsewhere, as it deems proper, relating to the best manner of dealing with those who require assistance from the public funds, or who receive aid from private charity; and makes such suggestions from time to time as to any legislation or action which may be desirable in regard thereto. The board also, from time to time, in its reports to the legislature, presents such views in regard to the best method of caring for the pauper and destitute children distributed through the various institutions of the state, or who are without the instruction and guidance which the public wel-

fare demands; and also furnishes, in tabulated statements, as nearly as possible, the numbers, sex, age, and nativity of those in the state, and in the several counties thereof, who are in any way receiving the aid of public or private organised charity, with any other particulars they deem proper. By a resolution entered on its minutes, subject to such terms and regulations as it prescribes, the board can designate three or more suitable persons in any county to act as visitors in said county of the several poorhouses and other institutions therein subject to the visitation of the board, in aid of and as representatives of the board, except such institutions as have a board of managers appointed by the state,—and these visitors shall be admitted to these institutions, to visit, examine, and inspect. No person, association, or corporation shall establish or keep an asylum, institution, house, or retreat for the care, custody, or treatment of the insane or persons of unsound mind, without first obtaining a licence therefor from the state board of charities; but this does not apply to any state asylum or institution, or any asylum or institution established or conducted by any county, or by any city or municipal corporation chartered by the legislature; or to cases where insane persons, or persons of unsound mind, are detained and treated at the houses of their families or relatives. Upon application, and after full examination, the board, if satisfied, grants a licence, making such conditions, terms, and regulations in regard thereto as seem meet and proper for the care and protection, health and comfort, and for the inspection and examination of all insane persons, or persons of unsound mind, lodged, boarded, kept, or detained in such asylum, &c. This licence is filed in the office of the clerk of the county in which the asylum or institution is situated. The board may revoke licences, for reasons satisfactory to it, such revocation being in writing, and filed as aforesaid, and notice thereof being given in writing to the person, association, or corporation to whom the licence was given.

The governor nominates, and, by and with the advice and consent of the senate, appoints an experienced and competent physician, called the state commissioner in lunacy, who holds office for five years, and receives an annual salary of $4000 and travelling expenses, not exceeding $1000, paid on presentation of vouchers to the comptroller. He is a member *ex officio* of the state board of charities, and makes full report of all his official acts and visitations to said board from time to time, under such regulations as the board prescribes. The duty of the commissioner is to examine into and report the condition of the insane and idiotic in the state, and the management and condition of the asylums and other institutions for their custody. It is also the duty of the commissioner, under the direction of the board, to inquire and report from time to time, as far as he is able, the results of the treatment of the insane of other states and countries, together with such particulars pertaining thereto as he deems proper, or the board requires; and he shall perform such other duties as the board from time to time prescribes. The authority conferred upon the board of state charities and commissioners to issue compulsory process for the attendance of witnesses, to administer oaths, and to examine persons under oath, is conferred upon the commissioner of lunacy in all cases where there is, in the opinion of the board or said commissioner, from information given to the board or to him, or otherwise,

reason to believe that any person is unjustly deprived of liberty, or is improperly treated in any asylum, institution, or establishment in the state for the custody of the insane, and he reports the testimony taken in any investigation to the board, with his opinions and conclusions thereon, without delay. The board of commissioners may, in their report from time to time to the legislature, suggest any improvements they think desirable for the care and treatment of the insane, with facts and information pertaining thereto, as they deem expedient and proper, and such reports are made annually on or before the 15th day of January.

By chap. 661, laws of 1873, "An Act to provide for the support and care of state paupers," every poor person, who is blind, lame, old, impotent, or decrepit, or in any other way disabled or enfeebled, so as to be unable by work to maintain himself, who applies for aid to any superintendent or overseer of the poor or other officer charged with the support and relief of indigent persons, and who has not resided sixty days in any county of the state within one year preceding the time of such application, is deemed to be a state pauper, and is maintained as such. The state board of charities can contract in writing, filed in the office of the board, with the authorities of not more than fifteen counties or cities of the state for the reception and support in the poorhouses or other suitable buildings of such counties or cities respectively, of such paupers as may be committed to such poorhouses which, while thus used, are designated by the board and known as state almshouses. The board establishes rules and regulations for the discipline, employment, treatment, and care of such paupers, and for their discharge. Notice is given to the county clerks of the several counties of the location of each of these almshouses, and they promulgate it to the superintendents and overseers of the poor, &c., in their respective counties. The keeper or principal officer in charge of each almshouse duly registers the names, &c., of all persons received, together with the names of the officer making the complaint and the judge or justice by whom the commitment was made, in a book kept for that purpose, and within three days after the admission transmits by mail the name of the person, with particulars, to the secretary of the state board of charities; and notice of the death, discharge, or absconding of any such person is, in like manner and within like time, sent to said secretary, who enters the names thus furnished in a book kept for that purpose in the office of the board, and verifies the correctness thereof by comparison with the books kept in the almshouses, and by personal examination of the several inmates thereof, &c. He also furnishes to the board, in tabulated statements, on or before the second Tuesday in January annually, the number of inmates maintained in each and all of these almshouses during the preceding year, the number discharged, transferred to other institutions, bound out, or removed from the state, and the number who died, or left without permission during the year, &c. These almshouses are each visited periodically by some member or members of the board, who examine into the condition and management, and report. It is also the duty of the secretary of the board to visit and inspect each almshouse at least once in every three months, and as much oftener as in his judgment it may be expedient, or the board may direct; and for the purposes of such inspections, he possesses all the

powers of a member of the board, and such further powers as said Act confers. If the accommodations in any almshouse are, in the opinion of the secretary, not adequate or proper for the treatment and care of an insane inmate, the secretary may cause his removal to the appropriate state asylum for insane. The expenses for the support, treatment, and care of insane persons, or persons of unsound mind, so received in any state asylum, are paid to the treasurer thereof by the treasurer of the state, on the warrant of the comptroller, upon the account being duly rendered and certified to by the secretary of the board; provided, however, that such expenses do not exceed those charged to counties, cities, or towns in such asylum. Any person becoming an inmate of any such almshouse, and expressing a preference to be sent to any state or country where said pauper may have a legal settlement or friends willing to support or to aid in supporting him, the said secretary may cause his removal to such state or country; provided, in the judgment of the said secretary, the interest of the state and the welfare of the pauper will be promoted thereby; and the secretary shall report from time to time to the state board of charities the names of all persons removed under the provisions of this Act, the places whence removed, and the cost of the several removals. If any inmate of either of said almshouses leaves the same without being duly discharged, and within one year thereafter is found in any city or town of the state, soliciting public or private aid, he may be punished by confinement in the county jail of the county in which he is so found, for a term not exceeding three months, or he may be committed for a like term to any workhouse of the state, by any court of competent jurisdiction; and it is the duty of every superintendent and overseer of the poor and other officers charged with the support and relief of indigent persons to cause, as far as may be, these provisions to be enforced.

The trustees, directors, or managers of any incorporated orphan asylum, or institute, or home for indigent children, may bind out any orphan or indigent child; if a male, under the age of twenty-one years, or, if a female, under the age of eighteen years, which has been surrendered to the care or custody of said society by its parent or guardian, or placed therein by the superintendent of the poor of the county, or the overseers of the poor of any city or town in the county within which the asylum or institute is located, to be clerks, apprentices, or servants, until such child, if a male, shall be twenty-one, or, if a female, eighteen years old. Such binding is as effectual as if the child had bound itself with the consent of its father. When the father of an indigent child is dead, or has abandoned his family, or neglected to provide for them, the mother is the guardian for the purpose of surrendering the child to the care and custody of the society; and in case of the death of both parents, the mayor of the city, or the supervisor of the town within which the asylum or institute is located, is *ex officio* the guardian of the child for the purpose of enabling said trustees, managers, or directors, to bind out such child. The father of any indigent child, or where he is dead or has abandoned his family, or neglected to provide for them, the mother may, by a written instrument, commit the guardianship of the person and custody of such child to the directors, trustees, or managers of any incorporated orphan asylum or institute, in terms as agreed upon; and in case of the death of both parents, the guardian legally appoint-

ed may, with the approval of the court or officer appointing him, entered of record, commit to such asylum the guardianship of the person and custody of such child in the same manner and upon the same terms that the parents might have done. When children placed under the care and custody of any incorporated charitable institution, and supported in part or in whole by the city of New York by taxes imposed for that purpose, are considered as deserted; then, if no inquiry has been made about their welfare and no board has been paid by parents or guardians for the space of one year, any judge of a court of record in the county where such children are taken care of is authorised and empowered, on application of the charitable institution having the charge of it or them, to order their adoption by suitable persons named by the institution, or their transfer to any incorporated non-sectarian institution or society selected by parties or persons seeking homes or occupation for children, if said societies consent to receive them; and these societies, when consenting to receive such child or children, may bind them out as stated. It is the duty of the superintendent, warden, or other proper officer in charge of each of the benevolent institutions of the state in which are persons whose maintenance, treatment, tuition, or clothing is a charge against any county, to make a report in each year to the clerk of the board of supervisors of the county to which such maintenance, &c., are chargeable, showing the name, age, sex, colour, and nationality of every person in each institution chargeable to such county, also when each person was received, to what time the expense of such person has been paid, and the amount chargeable to such county for each such person for the ensuing year. This report is verified by the oath or affirmation of the person making it.

By chap. 347, laws of 1880, each of the asylums, reformatories, homes, retreats, penitentiaries, jails, or other institutions of the state, in which the board, instruction, care, or clothing of persons committed thereto is a charge against any county or town, shall be known for the purposes of the Act as one of the state benevolent institutions of the state; but poorhouses in the several counties are exempted from the provisions of the Act, which also does not apply to the county of Kings.

INSANE PERSONS.

No person shall be committed to or confined as a patient in any asylum, public or private, or in any institution, home, or retreat for the care and treatment of the insane, except upon the certificate of two physicians under oath, setting forth the insanity of such person. But no person shall be held in confinement in any such asylum for more than five days, unless within that time these certificates be approved by a judge or justice of a court of record of the county or district in which the alleged lunatic resides; and said judge or justice may institute inquiry and take proofs as to any alleged lunacy, before approving or disapproving of the certificates, and may in his discretion call a jury in each case to determine the question of lunacy. The physicians granting the certificates must be of reputable character, graduates of some incorporated medical college, permanent residents of the state, and have been in the

actual practice of their profession for at least three years; and these qualifications must be certified to by a judge of any court of record. No certificate shall be made, except after a personal examination of the party alleged to be insane, and according to forms prescribed by the state commissioner in lunacy; and every certificate shall bear date of not more than ten days prior to such commitment. No physician who is the superintendent, proprietor, and officer, or a regular professional attendant of the asylum, can certify as to the insanity of a person to be committed to such asylum. The power and authority of the supreme court, the superior court, and the court of common pleas of the city and county of New York, or the superior court of the city of Buffalo, or the city court of Brooklyn, or any county court, concerning the safe-keeping of any lunatics or the charge of their persons or estates, are as formerly; and the county superintendents of the poor have all the powers and authority given to overseers of the poor of any town. Whenever any person who is possessed of sufficient property to maintain himself becomes by lunacy or otherwise so far disordered in his senses as to endanger his own person, or the person or property of others, it is the duty of the committee of his person and estate to provide a suitable place for his confinement, and to confine and maintain him in such manner as is approved by the proper legal authority; and in every case of lunacy, the lunatic is sent within ten days to some state lunatic asylum, or to such public or private asylum as may be approved by a standing order or resolution of the supervisors of the county. The superintendents and overseers of the poor are severally enjoined to see that this provision is carried into effect in the most humane and speedy manner, as well in case the lunatic or his relatives are of sufficient ability to defray the expenses as in case of a pauper.

HABITUAL DRUNKARDS.

Whenever the overseers of the poor of any city or town discover any person to be a habitual drunkard, they may, by writing under their hands, designate and describe such drunkard, and by written notice, signed by them, require every merchant, distiller, shopkeeper, grocer, tavern-keeper, or other dealer in spirituous liquors, and every other person residing within the city or town near to or adjoining such city or town, not to give or sell under any pretence any spirituous liquors to such drunkard; and any such notified merchant, &c., giving or selling, themselves, or by any clerk, agent, or member of their respective families, knowingly giving or selling such spirituous liquors to such drunkard, except by the personal direction or on the written certificate of a regularly licensed physician, forfeits for each offence $10 for the use of the poor of the town where the drunkard resides. Any such designated habitual drunkard may apply to any justice of the peace of the city or town in which he resides for process to summon a jury to try and determine such fact of drunkenness. If at any time the overseers of the poor are satisfied that the drunkard has reformed and become temperate, they may revoke and annul any such notice given by them or any of their predecessors in office.

DISORDERLY PERSONS.

All persons who abandon or neglect to support their wives or children, or who threaten to run away and leave their wives or children a burden on the public; all persons pretending to tell fortunes, or where lost or stolen goods may be found; all common prostitutes; all keepers of bawdy-houses, or houses for the resort of prostitutes, drunkards, tipplers, gamesters, or other disorderly persons; all persons who have no visible profession or calling to maintain themselves by, but who do for the most part support themselves by gaming; all jugglers, common showmen, and mountebanks, who exhibit or perform for profit any puppet-show, wire or rope dance, or other idle shows, acts, or feats; all persons who keep in any public highway or place, or in any place where spirituous liquors are sold, any kenotable, wheel of fortune, thimbles, or other table, box, machine, or device for the purpose of gaming; all persons who go about with such table, wheel, or other machine or device exhibiting tricks or gaming therewith; all persons who play in public streets or highways with cards, dice, or any other instrument or device for gaming,—are deemed disorderly persons. There are some others designated by special statutes as disorderly persons.

TRAMPS.

All persons who rove about from place to place begging, and all vagrants living without labour or visible means of support, who stroll over the country without lawful occasion, are held to be tramps; but persons under the age of sixteen years, blind persons, and persons roving within the limits of the county in which they reside, are not included. Every tramp, upon conviction as such, is imprisoned at hard labour in the nearest penitentiary, for not more than six months, the expense during such imprisonment not to exceed $1 a-week *per capita*, to be paid by the state. Any act of vagrancy by any person not a resident of the state is evidence that the person committing the same is a tramp. Any tramp who enters any building against the will of the owner or occupant thereof, or who wilfully or maliciously injures the person or property of another, or is found carrying any firearms, or other dangerous weapon, or burglar's tools, or threatens to do any injury to any person, or to the real or personal property of another, is deemed guilty of a felony. Any person, being a resident of the town where the offence is committed, may, upon view of any such offence, apprehend the offender, and take him before a justice of the peace or other competent authority.

MARRIAGE.

Marriage in the State of New York is, so far as its validity in law is concerned, a civil contract, to which the consent of parties capable in law of contracting is essential. It is incestuous and absolutely void between parents and children, including grandparents and grandchildren of every degree, and between brothers and sisters, as well of the half as of the

whole blood, and whether the relationship is legitimate or illegitimate. When either of the parties to a marriage is incapable, for want of age or understanding, of consenting to a marriage, or is incapable from physical causes of entering into the marriage state, or when the consent of either party has been obtained by force or fraud, the marriage is void from the time its nullity is declared by a court of competent authority. A second or subsequent marriage contracted by any person during the lifetime of any former husband or wife is absolutely void, unless (1) such former marriage has been annulled or dissolved for some cause other than the adultery of such person; or (2) such former husband or wife has been finally sentenced to imprisonment for life. But if any person, whose husband or wife has absented himself or herself for the space of five consecutive years, without being known to such person to be living during that time, marries during the lifetime of such absent husband or wife, the marriage is void only from the time that its nullity is pronounced by a court of competent authority. No pardon granted to any person who has been sentenced to imprisonment for life in this state is deemed to restore such person to the rights of any previous marriage, or to the guardianship of any children the issue of such marriage.

For the purpose of being registered and authenticated, marriages are solemnised only by the following persons: —

1. Ministers of the Gospel and priests of every denomination.
2. Mayors, recorders, and aldermen of cities.
3. Judges of the county courts and justices of the peace.
4. Justices and judges of courts of record.

When solemnised by a minister or priest, the ceremony is according to the forms and customs of the church or society to which he belongs. When solemnised by a magistrate, no particular form is required except that the parties shall solemnly declare, in the presence of the magistrate and the attending witness or witnesses, that they take each other as husband and wife. In every case there shall be at least one witness besides the minister or magistrate present at the ceremony. It is the duty of every officiating minister, priest, or magistrate to ascertain (1) the Christian and surnames of the parties, their respective places of residence, and that they are of sufficient age to be capable in law of contracting marriage; (2) the names and places of residence of two of the attesting witnesses, if more than one be present, or of the one present; and he shall enter these facts, and the day on which the marriage is solemnised, in a book kept by him for that purpose. If either of the parties between whom the marriage is to be solemnised is not personally known to him, the minister or magistrate shall ascertain from the respective parties their right to contract marriage, and for that purpose he may examine the parties, or either of them, or any other person, under oath, which he is authorised to administer, which examination is reduced to writing, and subscribed by the parties; and either of the parties making a false statement under this oath is deemed guilty of wilful and corrupt perjury, and is liable therefor. Every minister or magistrate who solemnises a marriage where either of the parties, within his knowledge, is under the age of legal consent, or an idiot or lunatic, or to which, within his knowledge, any legal impediment exists, is deemed guilty of a misdemeanour, punishable by fine or imprisonment, or both, in the discretion of the court by which

he is tried. The minister or magistrate by whom the marriage was solemnised furnishes, on request, to either party a certificate thereof, which, besides other particulars, shall state that, after due inquiry made, there appeared no lawful impediment to such marriage, and shall be signed by the person making it. Every such certificate signed by a magistrate, if presented to the clerk of the city or town where the marriage was solemnised, or to the clerk of the city or town where either of the parties reside, within six months after the marriage, is filed by such clerk, and entered in a book provided by him, in the alphabetical order of the names of both the parties, and in the order of time in which it is filed. A certificate signed by a minister may be likewise filed and recorded if there be indorsed thereon, or annexed thereto, a certificate of any magistrate residing in the same county with such clerk, setting forth that the minister by whom the certificate is signed is personally known to such magistrate, and has acknowledged the execution of the certificate in his presence; or that the execution of such certificate by a minister or priest of some religious denomination was proved to such magistrate by the oath of a person known to him, and who saw the certificate executed. Every such original certificate, the original entry thereof made as described, and a copy of the certificate or entry, duly certified, is received in all courts and places as presumptive evidence of the fact of such marriage.

These provisions relating to the solemnisation and proof of marriages do not apply to the people called Quakers, or to the Jews, whose marriages may respectively continue to be solemnised in the manner and agreeably to the regulations of their respective societies. Nor are these provisions construed to require the parties to any marriage, or any minister or magistrate, to solemnise the same in the manner described; but all lawful marriages contracted in the manner previous in use in this state are as valid as if these provisions had not been passed. (Laws of 1850, chap. 320.)

By the code of civil procedure, an action may be maintained by the woman to procure a judgment, declaring a marriage contract void, and annulling the marriage, under the following circumstances:—

1. Where the plaintiff had not attained the age of fourteen years at the time of the marriage.

2. Where the marriage took place without the consent of her father, mother, guardian, or other person having the legal charge of her person.

3. Where it was not followed by consummation or cohabitation, and was not ratified by any mutual assent of the parties after the plaintiff attained the age of fourteen years.

A judgment may be procured declaring a marriage contract void, and annulling the marriage, for either of the following causes existing at the time of the marriage:—

1. That one or both of the parties had not attained the age of legal consent.

2. That the former husband or wife of one of the parties was living, and that the marriage with the former husband or wife was then in force.

3. That one of the parties was an idiot or a lunatic.

4. That the consent of one of the parties was obtained by force, fear, or fraud.

5. That one of the parties was physically incapable of entering into the marriage state. But an action can be maintained under this subdivision only where the incapacity continues and is incurable.

DIVORCE.

By reason of the defendant's adultery, the marriage may be dissolved and a judgment procured to that effect in an action at the instance of either husband or wife—

1. Where both parties were residents of the state when the offence was committed.

2. Where the parties were married within this state.

3. Where the plaintiff was a resident of the state when the offence was committed, and is a resident thereof when the action is commenced.

4. Where the offence was committed within the state, and the injured party, when the action is commenced, is a resident of the state.

The plaintiff is not entitled to a divorce, although the adultery is established—

1. Where the offence was committed by the procurement or with the connivance of the plaintiff.

2. Where the offence charged has been forgiven by the plaintiff. The forgiveness may be proved either affirmatively or by the voluntary cohabitation of the parties, with the knowledge of the fact.

3. Where there has been no express forgiveness and no voluntary cohabitation of the parties, but the action was not commenced within five years after the discovery by the plaintiff of the offence charged.

4. Where the plaintiff has also been guilty of adultery, under such circumstances that the defendant would have been entitled if innocent to a divorce.

Where the action is brought by the wife, the legitimacy of any child of the marriage, born or begotten before the commencement of the action, is not affected by the judgment dissolving the marriage; and the court may in the final judgment require the defendant to provide suitably for the education and maintenance of the children of the marriage, and for the support of the plaintiff, as justice requires, having regard to the circumstances of the respective parties. The defendant loses all right and interest in his wife's property, real or personal, absolute or contingent, before or after her death; but the plaintiff's inchoate right of dower in any real property of which the defendant is or was theretofore seized is not affected by the judgment.

When the action is brought by the husband, the legitimacy of a child, born or begotten before the commencement of the offence charged, is not affected by a judgment dissolving the marriage; but the legitimacy of any other child of the wife may be determined as one of the issues in the action. In the absence of proof to the contrary, the legitimacy of all the children begotten before the commencement of the action must be presumed. A judgment dissolving the marriage leaves intact the plaintiff's rights and interests in or to any real or personal property owned or possessed by the wife when the judgment is rendered. When judgment is rendered dissolving the marriage, the wife is not entitled to dower in any of the husband's real property, or to a distributive share in his personal property.

After a marriage is dissolved, the plaintiff may marry again during the lifetime of the defendant; but a defendant, adjudged to be guilty of adultery, shall not marry again until the death of the plaintiff; but this does not prevent the remarriage of the parties to the action. By the amended Revised Statutes, the court in which the judgment of divorce

was rendered may modify its judgment so that the defendant can marry again before the death of the plaintiff, but only upon satisfactory proof that the plaintiff has remarried, that five years have elapsed since the decree of divorce was rendered, and that the conduct of the defendant since the dissolution of the marriage has been uniformly good.

SEPARATION.

An action may be maintained by a husband or wife against the other, to procure a judgment separating them from bed and board for ever, or for a limited time, for either of the following causes, viz. :—

1. The cruel and inhuman treatment of the plaintiff by the defendant.

2. Such conduct, on the part of the defendant, towards the plaintiff as may render it unsafe and improper for the former to cohabit with the latter.

3. The abandonment of the plaintiff by the defendant.

4. Where the wife is plaintiff, the neglect or refusal of the defendant to provide for her.

In either of the following cases :—

1. Where both parties are residents of the state when the action is commenced.

2. Where the parties were married within the state, and the plaintiff is a resident thereof when the action is commenced.

3. Where the parties have been married without the state, have become residents of the state, and have continued to be residents thereof at least one year; and the plaintiff is such a resident when the action is commenced.

The defendant may set up, in justification, the misconduct of the plaintiff. If a married woman dwells within the state when she commences an action against her husband for divorce or for separation, she is deemed a resident thereof, although her husband resides elsewhere.

MARRIED WOMEN'S RIGHTS.

Laws of 1860, chap. 90, the property, both real and personal, which any married woman owns as her sole and separate property; which comes to her by descent, devise, bequest, gift, or grant; which she acquires by her trade, business, labour, or services carried on or performed on her sole or separate account; which a woman married in this state owns at the time of her marriage, and the rents, issues, and proceeds of all such property, notwithstanding her marriage, is and remains her sole and separate property, and may be used, collected, and invested by her in her own name, and is not subject to the interference or control of her husband, or liable for his debts, except such debts as may have been contracted for the support of herself or her children by her as his agent. A married woman may bargain, sell, assign, and transfer her separate personal property, carry on any trade or business, and perform any labour or services on her sole and separate account, and the earnings of any married woman from her trade, business, labour, or services are her sole and separate property, and may be used or invested by her in her own name. She may bargain, sell, and convey real estate possessed by her as her separate property, and enter into any contract in reference to it,

with the like effect in all respects as if she were unmarried. No bargain or contract made by her in respect to her sole and separate property (except the gifts or grants of her husband), and in or about the carrying on of any trade or business under any statute of this state, is binding upon her husband, or renders him or his property in any way liable therefor. An action may be maintained against the husband and wife jointly for any debt of the wife contracted before marriage, but the execution on any judgment in such action issues against, and such judgment binds, the separate estate and property of the wife only, and not that of the husband, who is liable for the debts of his wife contracted before marriage to the extent only of the separate property of the wife he has acquired by any antenuptial contract or otherwise. By the laws of 1849, chap. 375, any person holding as trustee for any married woman any real or personal estate or other property, under any deed of conveyance or otherwise, on the written request of such married woman, accompanied by a certificate of a justice of the supreme court, that he has examined the condition and situation of the property, and made due inquiry into the capacity of such married woman to manage and control the same, may convey to such married woman, by deed or otherwise, all or any portion of such property, or the rents, issues, or profits thereof, for her sole and separate use and benefit. All contracts between persons made in contemplation of marriage, remain in full force after such marriage takes place. She can by herself, and in her name, or in the name of any third person, with his assent, as her trustee, cause to be insured for her sole use the life of her husband for any definite period, or for the term of his natural life. The amount of the insurance may be made payable, in case of her predecease, to her husband, or to his, her, or their children, for their use as provided in the policy, and to their guardian if under age. No man shall bind his child to apprenticeship or service, or part with the control of such child, or create any testamentary guardian therefor, unless the mother, if living, shall, in writing, signify her assent thereto. A married woman, a resident of this state, and of the age of twenty-one years or more, may execute, acknowledge, and deliver her power of attorney with the like force and effect, and in the same manner as if she were a single woman. In an action or special proceeding a married woman appears, prosecutes, or defends alone, or joined with other parties, as if she were single. It is not necessary or proper to join her husband with her as a party to any action or special proceeding affecting her separate property. A female can devise real property when she has attained the age of twenty-one years; and an unmarried female can bequeath personal property at the age of sixteen years. A widow is endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage. The widow of an alien who at the time of his death was entitled by law to hold any real estate, if she is an inhabitant of this state at the time of such death, is entitled to dower of such estate in the same manner as if such alien had been a native citizen. Any woman, being an alien, who has married a citizen of the United States, is entitled to dower in the real estate of her husband within this state, as if she were a citizen of the United States. Courtesy exists, subject to the common law rules, as to all realty of the wife which remains at her death undisposed of or unbequeathed.

ADOPTION.

Adoption is the legal act whereby an adult person takes a minor into the relation of child, and thereby acquires the responsibilities of parent in respect to such minor. A married man or woman, not lawfully separated one from the other, cannot adopt a child without the consent of the other, respectively; and the consent of a child, if over the age of twelve years, is necessary to its adoption. A legitimate child cannot be adopted without the consent of its parents, if living, or the survivor of them; nor an illegitimate child without the consent of its mother, if living. But the consent is not necessary of a father or mother deprived of civil rights, or adjudged guilty of adultery or cruelty, and who is from either cause divorced, or is adjudged to be an insane person or a habitual drunkard, or is judicially deprived of the custody of the child on account of cruelty or neglect. Where the parents are dead, or their consent is unnecessary, as stated, consent must be given by an adult person having the lawful custody of the child. The person adopting, the child adopted, and the persons consenting, appear before the county judge of the county in which the person adopting resides, and the necessary consent is thereupon signed, and an agreement is executed by the person adopting, to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. The judge examines all the persons appearing, each separately; and, if satisfied that the moral and temporal interests of the child will be promoted by the adoption, makes an order, in which are set forth at length the reasons for such order, directing that the child shall thenceforth be regarded and treated in all respects as the child of the person adopting. A child when adopted takes the name of the person adopting, and the two thenceforth sustain toward each other the legal relation of parent and child, and have all the rights and are subject to all the duties of that relation, excepting the right of inheritance, except that as respects the passing and limitation over of real and personal property under and by deeds, conveyances, wills, devises, and trusts, said child adopted is not deemed to sustain the legal relation of child to the person so adopting. Where a parent has abandoned an infant child, such parent is deemed to have forfeited all claim he or she would otherwise have as to the custody of said child or otherwise; and the judge may make the abovementioned order without the consent of such parent or parents. From the time of the adoption the parents are relieved from all parental duties toward, and all responsibility for, the child so adopted, and have no rights over it.

DESCENT.

All lands within the state are allodial, and the people of the state, in their right of sovereignty, possess the original and ultimate property thereto; and all lands the title to which fails from defect of heirs, reverts or escheats to the people. Where lands become vested in an infant, the guardianship of such infant, with the rights, powers, and duties of a guar-

dian in soccage, belong (1) to the father; (2) to the mother, if there be no father; (3) failing both of these, to the nearest and eldest relative of full age, not being under any legal incapacity, and as between relatives of the same degree of consanguinity males are preferred. Testamentary or other guardians duly appointed in terms of law supersede said guardians. Every citizen of the United States is capable of holding land within the state, and of taking by descent, devise, or purchase. Where not modified by statute, the common law governs as to aliens who cannot take by devises. Property devised to aliens descends to heirs, and if there are no heirs, to the residuary legatees. Any resident alien who has purchased and taken by deed or devise any real estate within the state, and who has filed in the office of the secretary of state a deposition declaring his intention of becoming a citizen, may grant and devise such real estate to any citizen of the United States, or to any alien resident of the state, in the same way and to the like effect, and to and for the same purposes, as if such alien were a citizen of the United States; but no resident male alien of full age shall hold any lands so granted or devised to him as against the state, unless he make and file the deposition as stated.

The real estate of every person who dies without devising the same descends thus—

1. To his lineal descendants;
2. To his father;
3. To his mother; and
4. To his collateral relatives—

subject to certain prescribed rules and regulations, of which some are as follows:—Direct descendants, all of equal degree of consanguinity to the intestate, take in equal parts, however remote that common degree is. Living children and the descendants of deceased children take the inheritance; but the latter inherit only the share which their parent would, if living, have received. This last rule applies in every case where the descendants are of unequal degrees of consanguinity; and it is the same where the inheritance goes to brothers and sisters, "as if all such brothers and sisters had been the brothers and sisters of the intestate." Failing descendants and brothers and sisters of the intestate and their descendants, and failing the father, if there are no brothers and sisters or any of them of the father of the intestate, and no descendants of them, the inheritance descends to the brothers and sisters of the mother of the intestate and to their descendants as stated. In all cases not specially provided for by law, where the inheritance has come to the intestate on the part of his mother, it descends to the brothers and sisters of the mother and to their descendants; and if there be no such brothers and sisters and descendants of them, then the inheritance descends to the brothers and sisters of the intestate's father and their descendants. Where the inheritance has not come to the intestate on the part of either the father or mother, it descends to the brothers and sisters both of the father and mother of the intestate in equal shares and to their descendants. In case of the death without descendants of an intestate bastard, the mother inherits, and if she be dead the inheritance descends to the relatives of the intestate on the part of the mother as if the intestate had been legitimate. Relatives of the half-blood inherit equally with those of the whole blood in the same degree, and their descendants inherit as stated, unless the inheritance came to the intestate by descent, devise, or gift of some one of his ancestors—in which case all those who are not of the blood of such ancestor are ex-

cluded from such inheritance. In all cases not provided for by law, the inheritance descends according to the course of the common law. Children and relatives who are illegitimate are not entitled to inherit. But by the laws of 1855, chap. 547, illegitimate children, in default of lawful issue, may inherit real and personal property from their mother as if legitimate.

DISTRIBUTION.

Where the deceased has died intestate, the surplus of his personal estate remaining after payment of debts is distributed to his widow, children, or next of kin, in terms of the provisions of law. The following are the rules :—

1. The widow gets one-third, and two-thirds go to the children and such persons as legally represent predeceasing children, by equal portions.

2. Where no children nor legal representatives of them, one moiety to the widow, and the other to the next of kin.

3. Where there is a widow and no descendant, parent, brother or sister, nephew or niece, the widow takes the whole ; but if there be a brother or sister, nephew or niece, and no descendant or parent, the widow gets the whole if not over $2000 ; or if over that sum, in addition to her moiety, $2000, and the remainder goes to the brothers and sisters and their representatives.

4. Where no widow, the whole is distributed equally among the children and such as legally represent them.

5. Where no widow and no children, and no representatives of a child, the whole goes to the next of kin in equal degree to the deceased and their legal representatives.

6. Where no children, no representatives of them, and no father, but a widow and a mother, the widow gets her moiety, and the other is divided equally among the mother and the brothers and sisters, or the representatives of such brothers and sisters ; and where there is no widow, the whole is distributed in the same manner.

7. Where there is a father, but no child or descendant, the father takes a moiety if there be a widow, and if there be no widow, the whole.

8. Where there is a mother and no child, descendant, father, brother, sister, or representative of a brother or sister, the mother, if there be a widow, takes a moiety, and the whole if there be no widow. If the deceased has been an illegitimate, and has left a mother and no child or descendant or widow, the mother takes the whole, and is entitled to letters of administration in exclusion of all other persons ; and, if the mother be dead, the relatives of the deceased on the part of the mother take in the same manner as if the deceased had been legitimate, and are entitled to letters of administration in the same order.

9. Where the descendants or next of kin are all in equal degree, their shares are equal.

10. Where they are of unequal degree of kindred, they take according to their respective stocks, so that those who take in their own right receive equal shares, and those who take by representation receive the share to which the parent whom they represent, if living, would have been entitled.

11. No representation is admitted among collaterals after brothers' and sisters' children.

12. Relatives of the half blood take equally with those of the whole blood in the same degree ; and the

representatives of such relatives take in the same manner as the representatives of the whole blood.

13. Descendants and next of kin begotten before the intestate's death, but born thereafter, take in the same manner as if they had been born in the lifetime of the deceased, and had survived him. Advancements to children during the lifetime of the intestate are taken into account in the distribution. Maintaining or educating or giving of money to a child without a view to a portion or settlement in life, is not deemed an advancement.

These provisions respecting the distribution of estates apply to the personal estates of married women dying leaving descendants them surviving; and the husband of any such deceasing married woman is entitled to the same distributive share in the personal estate of his wife to which a widow is entitled in the personal estate of her husband, and no more.

PUBLIC ADMINISTRATORS.

The mayor, aldermen, and commonalty of the city of New York in common council, convened from time to time, and as often as a vacancy in the office occurred, formerly appointed a competent person to be the public administrator in the city of New York, who holds his office during the pleasure of the said common council. Now he is appointed by the counsel to the corporation, and is the head of a bureau in the law department of the city. In the right of his office, he has authority to collect and take charge of the goods, chattels, personal estate, and debts of persons dying intestate; and for that purpose to maintain suits, as public administrator, as any executor might by law in the following cases:—

1. Whenever any person dies intestate, either within this state or out of it, leaving any goods, chattels, or effects within the city and county of New York.

2. Whenever any goods, chattels, or effects of any person who has died intestate arrive within the said city and county after his death.

3. Whenever any person coming from any place out of this state in a vessel bound to the port of New York, and arriving at the quarantine, near the city of New York, there dies intestate, and leaves any effects either at quarantine or in the city of New York, or elsewhere.

4. Whenever any effects of any such person so arriving and dying intestate at the quarantine, after his death arrive either at quarantine or within the city of New York.

5. Whenever any person coming from any place out of this state in a vessel bound to the port of New York dies intestate on his passage, and any of his effects arrive at quarantine.

In all these cases intestacy is presumed until a will is proved and letters testamentary granted thereon. The powers and authority of the public administrator in relation to the estate of any deceased person are superseded in the three following cases:—

1. Where letters testamentary are granted to any executor of a will of any deceased person either before or after the public administrator has taken letters or become vested with the powers of administrator upon such estate.

2. Where letters of administration have been granted to any other person before the public administrator became vested with the powers of an administrator upon the same estate.

3. Where letters of administration are granted upon such estate by any

surrogate having jurisdiction, at any time within six months after the public administrator became vested with the powers of an administrator upon such estate.

Every person keeping a hotel or boarding or lodging house in the city of New York shall report, in writing, to the public administrator the name of every person not a member of his family who dies in his or her house within twelve hours after such death; and every coroner, within twelve hours after an inquest, shall report to the public administrator the name, if known, of the deceased person. Every undertaker shall also report to the public administrator, within twelve hours after burial by him, any deceased person having no next of kin known to him to be entitled to administer, the name and residence of such deceased person. Whoever neglects to comply with this provision is deemed guilty of a misdemeanour, and, upon conviction, is punishable by imprisonment in the penitentiary for a period not exceeding six months nor less than one month, or by a fine of $100, one moiety of which is given to the informer, and the other moiety is paid into the city treasury.

By chap. 335, laws of 1871, the surrogate of the county of Kings and county treasurer of that county were authorised to appoint a public administrator for the county of Kings, and thereafter from time to time, as a vacancy in the office should occur, to appoint a competent person to be the public administrator in the county of Kings, who should hold his office for the term of five years unless sooner removed for cause. This public administrator has absolute and sole authority to collect, take charge of, and administer upon the goods, chattels, personal estate, and debts of persons dying intestate, and for that purpose to maintain suits as such public administrator as any executor or administrator may by law in the following cases:—

1. Whenever such person dies, leaving any assets or effects, in the county of Kings, and there is no widow, husband, or next of kin entitled to a distributive share in the estate of said intestate resident in the state, entitled competent or willing to take out letters of administration on such estate.

2. Whenever assets or effects of any person dying intestate, after his death, come into the county of Kings, and there is no person as aforesaid entitled competent or willing to take administration of such estate.

In the above cases intestacy is presumed until a will is proven and letters testamentary issued thereon. The surrogate of the county of Kings, in cases where authorised by law to issue letters of collection, may, in his discretion, issue letters of collection to the public administrator. He receives no salary for his services.

The county treasurer in each of the other counties of the state, by virtue of his office, has authority to collect and take charge of the assets of every person dying intestate where the assets amount to $100 or more, either in his county or out of it, upon which no letters of administration have been granted, (1) whenever the deceased intestate leaves assets in the county of such treasurer, and there is no widow or relative in the county entitled or competent to take letters of administration on such estate; (2) whenever assets of the deceased intestate, after his death, come into the county of such treasurer, and there is no person entitled or competent as aforesaid to take administration of such estate. But in the county of Richmond the county treasurer has not power to act as public administrator in those cases in which the public administrator in the city of New York has jurisdiction.

MECHANICS' LIENS.

In general, mechanics' labourers and others who, by virtue of any contract with the owner or contractor, &c., perform labour or furnish materials used in building, altering, or repairing any house, building, or other improvements, upon lands or appurtenances thereto, upon filing the claim, have a lien for the value of such labour and materials upon such house, building, and appurtenances, and upon the lot of land upon which the same stand, to the extent of the right, title, and interest at that time existing of such owner, but not to a greater amount than the agreed price or the value of the labour and materials unpaid at the date of filing the claim. This lien continues for one year only unless suit be meantime commenced. There are a number of Acts applicable to different kinds of work, and to certain counties and cities, as well as general provisions for all. The claims have to be filed with the county clerk within so many days after the completion of the work — thirty, sixty, or ninety days, as the case may be.

CHATTEL MORTGAGES.

Every mortgage or conveyance intended to operate as a mortgage of goods and chattels which is not accompanied by an immediate delivery and followed by an actual and continued change of possession of the things mortgaged, is absolutely void as against the creditors of the mortgager, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage or a true copy thereof is filed in the office of the town-clerk in the several towns and cities of the state where the mortgager therein, if a resident of the state, resides; and, if not a resident, in the city or town where the mortgaged property is at the time of the execution of the mortgage. Every mortgage so filed ceases to be valid as against creditors of the mortgager or against subsequent purchasers or mortgagees in good faith after the expiration of one year from the filing thereof, unless within thirty days next preceding such expiration of each and every year after the said filing a true copy of it with a statement of interest is again filed.

JUDGMENTS.

When the judgment of a court of record is duly docketed in a county clerk's office, it binds, and is, for ten years and no longer after such filing, a charge upon the real property and chattels real in that county which the judgment debtor has at the time of such docketing, or which he acquires at any time afterwards within the ten years. The judgment of a justice of the peace for $25 or more, exclusive of costs, when duly docketed, becomes a lien upon and can be enforced against real property.

The goods and chattels of a judgment debtor not exempt by express provision of law from levy and sale by virtue of an execution, and his other personal property, which is expressly declared by law to be subject to levy by virtue of an execution, are, when situated within the jurisdiction

of the officer to whom an execution against property is delivered, bound by the execution from the time of the delivery thereof to the proper officer to be executed, but not before. The title to personal property acquired before the actual levy of an execution by a purchaser in good faith, and without notice that the execution has been issued, is not affected by an execution delivered before the purchase was made to an officer to be executed.

The party recovering a final judgment, or his assignee, may have execution thereupon, of course, at any time within five years after the entry of the judgment. After the lapse of the five years, execution can be issued thereupon only (1) where an execution was issued within the five years and has been returned wholly or partly unsatisfied or unexecuted; (2) where an order is made by the court granting leave to issue the execution.

PROPERTY EXEMPT FROM LEVY AND SALE.

When owned by a householder, the following personal property is exempt from levy and sale by virtue of an execution; and each movable article thereof continues to be so exempt while the family or any of them are removing from one residence to another—

1. All spinning-wheels, weaving-looms, and stoves, put up or kept for use in a dwelling-house; and one sewing-machine with its appurtenances.

2. The family Bible, family pictures, and school-books used by or in the family; and other books, not exceeding in value $50, kept and used as part of the family library.

3. A seat or pew occupied by the judgment debtor or the family in a place of public worship.

4. Ten sheep, with their fleeces, and the yarn or cloth manufactured therefrom; one cow; two swine; the necessary food for these animals; all necessary meat, fish, flour, and vegetables actually provided for family use; and necessary fuel, oil, and candles, for the use of the family for sixty days.

5. All wearing apparel, beds, bedsteads, and bedding, necessary for the judgment debtor and the family; all necessary cooking utensils; one table; six chairs; six knives; six forks; six spoons; six plates; six teacups; six saucers; one sugar-dish; one milk-pot; one teapot; one crane and its appendages; one pair of andirons; one coal-scuttle; one shovel; one pair of tongs; one lamp; and one candlestick.

6. The tools and implements of a mechanic necessary to the carrying on of his trade, not exceeding in value $25.

In addition to these exemptions—necessary household furniture, working tools, and team, professional instruments, furniture, and library, not exceeding in value $250, together with the necessary food for the team for ninety days, are exempt when owned by a person, being a householder, or having a family for which he provides, except where the execution is issued upon a judgment, recovered wholly upon one or more demands, either for work performed in the family as a domestic, or for the purchase-money of one or more articles, except as above mentioned.

Where the judgment debtor is a woman, she is entitled to the same exemptions as a householder.

The pay and bounty of a non-commissioned officer, musician, or private in the military or naval service of the United States; a land warrant, pension, or other reward granted by the

United States, or by a state for military or naval services; a sword, horse, medal, emblem, or device of any kind, presented as a testimonial for services rendered in the military or naval service of the United States; and the uniform, arms, and equipments which were used by a person in that service, are also exempt from levy and sale, and from seizure for non-payment of taxes, or in any other legal proceeding.

Land set apart as a family or private burying-ground, and designated, as prescribed by law, is exempt from sale by virtue of an execution, only upon these conditions—

1. A portion of it must have been actually used for that purpose.

2. It must not exceed in extent one-fourth of an acre.

3. It must not contain, at the time of its designation, or at any time afterwards, any building or structure, except one or more vaults or other place of deposit for the dead, or mortuary monuments.

Any money, thing in action, or other property held in trust for a judgment debtor, where the trust has been created by, or the fund so held in trust has proceeded from, a person other than the judgment debtor; or the earnings of the judgment debtor for his personal services, rendered within sixty days next before the institution of the special proceedings, where it is made to appear by his oath or otherwise that these earnings are necessary for the use of a family, wholly or partly supported by his labour, are exempt from seizure.

Homesteads.—A lot of land, with one or more buildings thereon, not exceeding in value $1000, owned and occupied as a residence, by a householder having a family, and designated as an exempt homestead, as prescribed by law, is exempt from sale by virtue of an execution; but is not exempt from taxation or from sale for non-payment of taxes or assessments, or from sale for unpaid purchase-money, or for a debt contracted prior to its being duly designated as an exempt homestead. A married woman may in like manner, and to like effect, designate a similar exempt homestead owned and occupied by her as a residence. All conveyances containing such designation must be recorded in the office of the clerk of the county where the property is situated. The exemption continues after the death of the person in whose favour the property was exempted, as follows:—

1. If the decedent was a woman, it continues for the benefit of her surviving children until the majority of the youngest surviving child.

2. If the decedent was a man, it continues for the benefit of his widow and surviving children, until the majority of the youngest surviving child, and until the death of the widow.

The exemption ceases earlier if the property ceases to be occupied as a residence by a person for whose benefit it may so continue; but it is not affected by a suspension of the occupation for a period not exceeding one year, which occurs in consequence of injury to or destruction of the dwelling-house upon the premises. If the value exceeds $1000, the lien of the judgment attaches to the surplus, as if the property had not been designated as an exempt homestead, and the owner of the judgment may procure a sale of the property, and enforce his lien upon the surplus. The owner of real property thus exempt can get the exemption cancelled in terms of sec. 1404 of the Code of Civil Procedure. Any other release or waiver of an exemption of real property (allowed by art. 1, title ii., chap. 13 of the Code of Civil Procedure), or of a homestead, or a private or family burying-ground, is void.

A mortgage upon property so exempt is ineffectual until the exemption has been cancelled, except that such a mortgage is valid to the extent of the purchase-money of the same property secured thereby.

USURY.

The rate of interest upon the loan or forbearance of any money, goods, or things in action is $6 per cent per annum, and the amount of money paid or value delivered above that rate may be recovered if the action be brought within one year of the payment or delivery. If not so sued for and prosecuted with effect, the sum may be sued for and recovered with costs at any time within three years after the said one year by any overseer of the poor of the town where such payment was made, or by any county superintendent of the county. For the purpose of calculating interest, a month is considered the twelfth part of a year, and as consisting of thirty days, and interest for any number of days less than a month is estimated by the proportion which such number of days bears to thirty.

CORPORATIONS.

Corporations are formed with great facility and at trifling cost, under general laws, and not by special Act except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. A "domestic corporation" is a corporation created by or under the laws of the state, or located in the state, and created by or under the laws of the United States, or by or pursuant to the laws in force in the colony of New York before the 19th day of April 1775. Every other corporation is a "foreign corporation." The immense variety of corporations formed under the laws is shown by the following "Titles of the corporations respectively," taken from the index of the Revised Statutes of New York (being 118 in number), viz. :—

Accumulating.
Agricultural.
Academies.
To improve animals.
Artistic.
Athletic.
Bathing.
Banking.
Benefit.
Benevolent.
To improve birds.
Boards of trade.
Books.
Brandy.
Bridge.
Building.
Business.
Butter, cheese, &c.
Cemeteries.
Charitable.
Chemical.
Churches.
Church sheds.
Coal and peat.
Co-operative.
Cotton growing.
To prevent cruelty to children.
To prevent cruelty to animals.
Curative.
Dairy.
Domestic animals, &c.
Dramatic.
Dental societies.
Dredging.
Driving park.

Dock-building.
Economical.
Educational.
Elevators.
Fairs.
Ferry.
Fish.
Fishing.
Fine art.
Fire.
Gas.
Gymnastic.
Guano.
Growing grapes.
Heating.
Historical.
Homestead.
Homœopathic.
Hook and ladder.
Horticultural.
Prevention of horse-stealing.
To improve breed of horses.
Hotels.
Hunting.
Ice.
Insurance.
Joint-stock.
Laundry.
Laying out lots.
Libraries.
Literary.
Loan and trust.
Manufacturing.
Manufacturing leather.
Masonic.
Mechanical.
Medical.
Milk.
Military drill.
Mineral water.
Mining.
Moneyed, other than banks, &c.
Soldiers' monument.
Musical.
Municipal.
Mutual loan.
Navigation.
Oddfellows.
Oil companies.
Patriotic.
Pipe line.
Plank-roads.
Park.
Parsonages.
Political.
Improvement of poultry.
Printing, publishing.
Prevention of crime.
Railroads.
Raising vessels.
Religious.
Recreative.
Safe-keeping.
Savings banks.
Scientific.
Skating.
Slaughtering.
Social.
Sporting.
Stage-coach.
Stolen animals.
Small birds.
Telegraph.
Temperance.
Towing vessels.
Turnpikes.
Villages.
Warehouses.
Water for towns and villages.
Water for mining companies.
Wines.
Wrecking.
Yachting.

From the same index it appears that the purposes of "charitable, &c., corporations," are "benevolent, charitable, chapels, churches, parsonages, rectories, &c., educational institutions, historical, scientific, missionary, mission, Sunday-school, mutual religious improvement, furtherance of religious opinion, fine arts, library, prevention of crime."

Under the heading "religious corporations," the index discloses that there are Acts relating to the incorporation of the following:— (1) Episcopal; (2) Dutch Reformed; (3) Methodist Episcopal; (4) Roman Catholic; (5) Greek; (6) Reformed Presbyterian; (7) Free; (8) Baptist; (9) Presbytery electing trustees to

become incorporated; (10) Presbytery, classes, synod, convention, &c., electing trustees to care for the property of unincorporated churches; (11) the election of trustees by the United Brethren in Christ, &c., &c.

GAME AND FISH PROTECTION.

Laws of 1880, chap. 591, authorised the governor to appoint eight persons to be known as game and fish protectors, whose duty it should be to enforce the statutes for the preservation of moose, wild-deer, birds, and fish, or any other game-laws, and to bring, or cause to be brought, actions and proceedings in the name of the people of the state to recover any penalties or amounts, or to punish any parties for the violation of said statutes or laws. These protectors, or any of them, may without warrant arrest offenders and bring them before a justice of the police, or police justice, or other magistrate having jurisdiction, who shall proceed without delay to hear, try, and determine the matter, and give and enforce judgment.

STATE COMMISSION OF FISHERIES.

In 1868, a commission of fisheries for the State of New York was established, and there are now four commissioners appointed by the governor of the state. Their duties were at first to examine the various rivers, lakes, and streams of the State of New York, and the waters adjoining the same, with a view of ascertaining whether they could be rendered more productive of fish, and what measures were desirable to effect this object, either in restoring the production of fish in them or in protecting or propagating the fish that then frequented them or otherwise. In 1870 the commissioners were directed to establish the artificial propagation of shad, white-fish, and salmon-trout in the waters of the state at such points as they might select, to employ the necessary labour to conduct the same, and to take such other steps toward improving the fisheries of the state as they should think advisable, at any expense not exceeding $10,000. They should report yearly on the condition of the fisheries. Certain provisions have been enacted as to close-time, fishing by ponds, weirs, and set nets, &c., fishing near established fishways, punishment by fine or imprisonment, &c. In 1879 the commissioners were directed to examine the streams of water in the various counties, and to take reasonable steps for the propagation of trout in such of them as in their judgment could be rendered more productive.

DOGS.

An Act of 1835 provided that all moneys collected as taxes upon dogs should constitute a fund for satisfying damages done by dogs in killing or injuring sheep, according to the provisions of the Revised Statutes; and any residue, after satisfying such damages, should, after the expiration of one year from the time of collection, be applied to the support of the

poor of the town where the same should have been collected, or to such other purpose as the inhabitants of the town should at their annual town meeting direct. By an Act of 1864, relating specially to the county of Ontario, but providing that the board of supervisors of any county of the state could, by resolution, declare and make the provisions applicable to such county, the collector of each town of the county of Ontario should pay over the taxes levied upon dogs to the supervisor of the town, and the moneys so collected and paid over should in each town constitute a town fund for paying the damages arising in said town from dogs killing or injuring sheep; and whatever remained in the hands of the supervisor of any town for the period of one year might, by the vote of the majority of the electors of any such town at any town meeting, be appropriated for the purpose of building and repairing roads and bridges, or for the payment of the contingent expenses of such town. The owner of the sheep killed or injured should apply to any two fence-viewers of the town, who, if satisfied after inquiry and examination of witnesses, to whom they were authorised to administer oaths, certified that the sheep were killed by dogs and in no other way, the number killed and the number injured, the value of such killed and injured sheep immediately previous to, and their respective value after, being so killed or injured, together with the amount of their fees. Such certificate should be presented to the board of town auditors at their annual meeting for auditing town accounts to be audited; and if such board should be satisfied by the oath of the person claiming such damages that he had not been able to discover the owner of the dogs by which the damage was done, or that he had failed to recover his damages of such owner, they should give an order on the supervisor for the amount allowed, and he should pay such order out of the said funds. Should the amount of the dog fund be insufficient to pay such orders, the board of supervisors could add to the accounts of the town the amount of such orders then due and unpaid, but in no case to exceed the amount theretofore received into the dog fund of said town and diverted to roads and bridges, &c. The party receiving such damages, in the event of his recovering damages from the owner of the dogs, should refund to the supervisor the amount so recovered.

IMMIGRANTS.

A great number of Acts of the state legislature have been passed relating to immigrants, "passengers in vessels coming to the city of New York," "the better protection of sick and infirm indigent passengers arriving at the port of New York," "relative to immigrants and other passengers arriving at or departing from the port of New York," "the more effectual protection of emigrants arriving at the port of New York," "for the protection of immigrants, second-class, steerage, and deck-passengers," &c., &c., and the result has been that admirably managed institution known as "Castle Garden," in the city of New York, where the newly arrived immigrants receive all the care and attention which forethought and long experience have secured, backed up by an ardent desire to give them a fair start in the land they have come to.

In 1873 the governor, by and with the advice and consent of the senate,

appointed six commissioners of emigration for the State of New York, with the mayor of the city of New York, the president of the German Emigrant Society of the city of New York, and the president of the Irish Emigrant Society of the city of New York, as additional commissioners of emigration, by virtue of their respective offices, but the two last not to have the right to vote upon the appointment or removal of subordinates. The commissioners have all the powers and perform all the duties imposed upon the commissioners of emigration, by virtue of an Act entitled "An Act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, and the various Acts supplementary thereto and amendatory thereof. They elect from their number a president and vice-president, and appoint a secretary and treasurer, and such other officers and employees as may be necessary.

The commissioners of emigration are not required to support any person capable of earning a livelihood for a longer period than two years. They may appoint an agent in all incorporated cities. They inspect the persons and effects of all persons arriving by vessels at the port of New York from any foreign country as far as may be necessary to ascertain who among them are habitual criminals, or pauper lunatics, idiots, or imbeciles, or deaf, dumb, blind, infirm, or orphan persons without means or capacity to support themselves, and subject to become a public charge, and whether their persons or effects are affected with any infectious or contagious disease, and whether their effects contain any criminal implements or contrivances. On discovering any such objectionable persons or effects, the commissioners of emigration and their inspectors are empowered to take such persons into their custody or care, and to detain or destroy such effects if necessary for the public welfare, and to keep such persons under proper treatment, and provide for their transportation and support so long as they may be a necessary public charge. The commissioners shall, in case of habitual criminals, and may in other cases where necessary to prevent such persons from continuing a public charge, retransport such person or persons to the foreign port from which they came. The commissioners of emigration can also board any incoming vessel from foreign ports arriving at the port of New York, by their agents and inspectors, who have such powers as are necessary to the effectual execution of these provisions; and any person who resists them in the execution of their lawful function is guilty of a misdemeanour, and may be arrested by the officer resisted, and, upon conviction, may be sentenced to a term not exceeding six months in the penitentiary, or to pay a fine of $100, or both.

In 1881 "An Act to raise money for the execution of the inspection laws of the State of New York" was passed, whereby it was enacted that there should be levied and collected a duty of $1 for each and every alien passenger who should come by vessel from a foreign port to the port of New York, for whom a tax had not theretofore been paid; the same to be paid to the chamberlain of the city of New York by the master, owner, or consignee of every such vessel within twenty-four hours after the entry thereof into the port of New York. This Act was declared unconstitutional by the Supreme Court of the United States.

PRINTED BY WILLIAM BLACKWOOD AND SONS.

OCT 3 1 1933